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APRIL 1999
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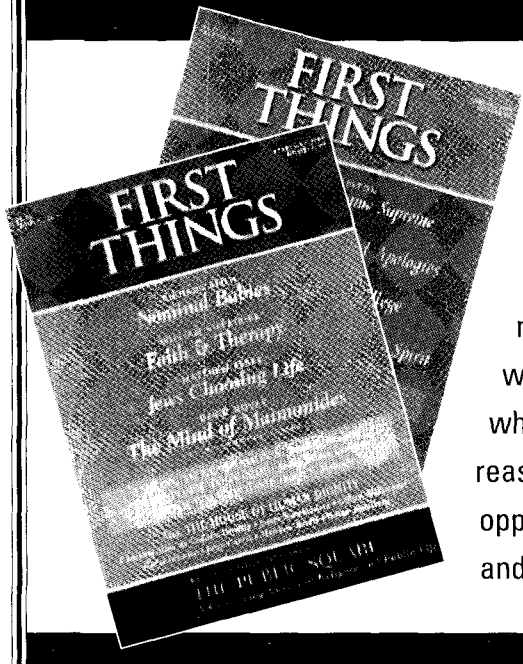

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Editor-in-Chief: *Richard John Neuhaus*
Editor: *James Nuechterlein*
Managing Editor: *Matthew Berke*
Associate Editor: *Daniel P. Moloney*
Editorial Assistants: *Sarah E. Hinlicky, Alicia Mosier*
Publisher: *Institute on Religion and Public Life*
Publishing Service: *Publishing Management Associates*

FIRST THINGS: A Monthly Journal of Religion and Public Life (ISSN #1047-5141) is published monthly (except for combined issues June/July and August/September) for $29 per year by the Institute on Religion and Public Life, 156 Fifth Avenue, Suite 400, New York, NY 10010. Periodicals postage paid at New York, NY and additional mailing office. POSTMASTER: send address changes to FIRST THINGS: A Monthly Journal of Religion and Public Life, P.O. Box 3000, Dept. FT, Denville, NJ 07834. **Editorial Offices:** The Institute on Religion and Public Life, 156 Fifth Avenue, Suite 400, New York, NY 10010. **Editorial Phone:** (212) 627-1985. Email: ft@firstthings.com. Website: http://www.firstthings.com. **Advertising Offices:** 129 Phelps Avenue, Suite 312, Rockford, IL 61108. **Advertising Phone:** (815) 398-8569. **Subscription Department:** P.O. Box 3000, Dept. FT, Denville, NJ 07834. 1-800-783-4903. Unsolicited material cannot be returned unless accompanied by sufficient return postage. Newsstand distribution by Eastern News Distributors, Inc., One Media Way, 12406 Rt. 250, Milan, OH 44846. Copyright © 1999 by the Institute on Religion and Public Life. All rights reserved. Produced in the USA.

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The Hard Road to Rome

When I left the ordained ministry of the Evangelical Lutheran Church in America (ELCA) and was received into the communion of the Roman Catholic Church, I made a private decision that I would not use my conversion for apologetic or critical purposes. But I must break my own rule after reading the article by my former pastoral colleague and now sister in the Catholic faith, Jennifer Mehl Ferrara, on her complaints about the Catholic Church ("Becoming Catholic: Making It Hard," January). I do not know Ms. Ferrara, and I intend nothing here to be taken ad hominem. But I must insist that her description and criticism of the Catholic Church is skewed, and is so by the very reasons she gives for her conversion to Catholicism.

Ms. Ferrara embodies a crisis of conscience with which I also struggled: the apparent apostasy of the ELCA, at least at its official levels. Was this sufficient reason for leaving the Lutheran communion, and the ELCA, for Rome? Ms. Ferrara and I seem to have led eerily parallel lives in making this decision, down to the very books and authors we read. But I arrived at the very opposite conclusion of Ms. Ferrara: No, the apparent apostasy of the ELCA bureaucracy was not for me a reason to leave, but rather, as an ordained pastor, all the more reason to stay and struggle. It is the duty of the ordained clergy to correct abuses as far as they are able, to protect their flock from these abuses, and to expose these abuses by theological and pastoral criticism. I first had to reject all the negative arguments for leaving before my conscience was ready, for positive reasons of my own, to enter Catholicism.

What emerges from Ms. Ferrara's description of her decision to leave her pastoral ministry and the Lutheran communion seems to me to be the typical temptation and subsequent disillusionment of those searching for more pristine pastures in the Church of Rome. Her story seems to be one of a person expecting to find the "evangelical catholic" ideal in Lutheranism in full flourish in the Roman Catholic Church, and becoming bitterly disappointed and critical upon finding that the Catholic Church is not Lutheran, but precisely, Roman. This is all the more tragic in that the ELCA lost a rare species—a confessionally orthodox pastor—while in the Catholic Church the laicized Pastor Ferrara has no chance of ever exercising any pastoral office.

What needs to be said is that the Catholic Church of Vatican II—and even of Pope John Paul II—is not "Lutheran," nor is it the neo-Tridentine repristination that Ms. Ferrara seems to long for. Catholics, by-and-large, do not sing Lutheran chorales, or have any special affinity for J. S. Bach. Catholics, by-and-large, do not think of or approach the Mass and the Holy Eucharist in the same way Lutherans have come to approach "Sunday worship"—as a social time for a close-knit family. For all the "modernism" and "innovations" Ms. Ferrara despises, Catholics still approach the Mass with a devotion, awe, and reverence that may appear distant and even indifferent if one is not integrated into Catholic culture. Catholicism, up until Vatican II, had no history of congregational hymnody or liturgical participation to speak of, which means that Catholic liturgical music and hymnody will be "modern" and will reflect the incarnational theology of Vatican II.

I wonder if Ms. Ferrara gave serious thought to changing her theology upon entering the Catholic Church. Catholic theology is shaped by a balance between Augustine and Aquinas. It has a posi-

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tive and optimistic anthropology, especially in the doctrine of free will. While salvation is entirely by the grace of God, it is nonetheless a continual balance of prevenient grace, cooperative grace, and human free will engaged in a spirituality of growing and deepening mutual communion between God and each person, as each person is engaged in a spiritual pilgrimage home to God. That pilgrimage is determined by the person's response in worship, prayer, devotion, penance, and works of charity to the continuing gifts of grace of the Holy Spirit offered in the sacraments, the preached Word, the intercession of the Blessed Virgin Mary and all the saints, and in the immediate presence of God in the hearts of all the faithful by which God speaks *cor ad coram* through devotional meditation, prayer, and contemplation. This is the very core, in practical terms, of Catholic faith, life, and devotion. To Lutheranism, it is still the epitome of "works-righteousness."

A repristination of neo-Tridentine liturgy, piety, and practice, with a proper spicing of orthodox Lutheran theology and tradition, is in no way what Vatican II was about, what the Holy Father intends, or what Roman Catholicism is or ever will be. It saddens me that this seems to be what Ms. Ferrara wanted and expected, and that she has now become yet another bitterly reclusive "traditionalist" in her new home in the Roman Catholic Church. What she has sought and found is not the Tradition, but pious antiquarianism (an easy mistake to make). It also saddens me that Ms. Ferrara did not remain Pastor Ferrara (for all its anguish and paradox), to engage and challenge not only the ELCA with an authentically orthodox Lutheranism, but also to so engage and challenge the Catholic Church from the Lutheran side of the dialogue, where her eloquence and her criticisms would have had a hearing. The Catholic Church needs to see many examples of such competent, clear-thinking, traditional, and orthodox *ordained women* if Catholicism is ever to relent on two millennia of tradition and itself open ordination to women.

I have no desire to deny to Ms. Ferrara the free exercise of her conscience. Her conscience led her to the Catholic Church, and I am happy to have her with me as a sister in the faith. It was the inner voice of God speaking to my conscience that led me into the Catholic Church as well, although down a very different path.

Still, I do not, cannot, accept Ms. Ferrara's motive of deep frustration with the ELCA as in any way a sufficient reason for leaving Lutheranism for Catholicism, and I would encourage no one to follow such a path. And I simply do not recognize the Catholic Church that I have come to know and embrace and love in Ms. Ferrara's cautionary tale. For those contemplating entering the Catholic Church from Protestantism, I would counsel that they be sure that they want the Roman Catholic Church in the totality of what it really is, and are not projecting on it an idealized vision of what they wish their own denomination were like.

Mark E. Chapman
Horseheads, NY

I read Jennifer Mehl Ferrara's article with some disappointment. Not because she changed from a Lutheran Christian to a Catholic Christian, but because she seems to have no substantial spiritual or religious reason for doing so. I can understand her leaving the ELCA for its lack of conviction and commitment on a number of issues, including abortion, and in leaving that church body, she seems to show some heartfelt spiritual understanding. However, her substitution of Catholicism seems, in contrast, to lack any spiritual basis whatsoever; at least her own words indicate no such basis.

It is significant that the only reason given by Ms. Ferrara to explain her "becoming Catholic" is that she viewed the "Roman Catholic Magisterium, and especially this Pope, as the keeper of the faith for all of Christendom." But one cannot help wondering about the spiritual quality of a person's faith, whether former Lutheran pastor or newly converted Catholic, who would use the wisdom of men as the reason for conversion to Catholicism rather than the wisdom of God as found in the truths of the Bible.

Ms. Ferrara compounds this apparent lack of spiritually or religiously valid reasons for her decision by relating her efforts to find a Catholic Church where she felt comfortable. She finds one, finally, with a "seemingly endless variety of distinctively Catholic devotions." Her message is clear that what she is looking for is the proper form; the substance is decidedly secondary, if not irrelevant. As long as the organist plays Bach, the choir is first rate, and the parishioners are pious with a profound reverence for the liturgy, what more could one want?

James A. Winterstein
Olympia, WA

While reading Jennifer Mehl Ferrara's essay, I winced empathetically. When I converted to Catholicism six years ago, I experienced many of the same annoyances and frustrations: the ugly 1960s design of my parish church; music at Sunday Mass that was so bad it was actually a relief when there was no organist and hence no music; occasional sermons that were inane, chaotic, or simply unintelligible.

But this is not a new problem; and it doesn't affect converts alone. In a now-celebrated personal letter, Flannery O'Connor wrote, "It seems to be a fact that you have to suffer *as much from the Church as for it*, but if you believe in the divinity of Christ, you have to cherish the world at the same time that you struggle to endure it" (emphasis added). This letter was not an exercise in post-Vatican II stoicism. Surprisingly, it was written in 1955—a time regarded fondly by many Catholics of a certain age as the veritable high-water mark of the Church in America.

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Someone should have warned Ms. Ferrara against coming to the Church for the "atmosphere" (although, with her evident intelligence and her background as a Lutheran minister, one might expect she would avoid such a delusion). She describes one priest who evidently tried. When asked by Ms. Ferrara for the name of a "traditional parish," he retorted, "Why do you want to become Catholic?" (Why indeed?!) But the irony was lost on Ms. Ferrara; after abandoning her own parish and then a second, she proceeded to join "Holy Rosary" parish. There she could observe quaint ethnics in a "beautiful sanctuary . . . [people] kneeling, genuflecting, and crossing themselves . . . [praying] hours, rosaries, novenas," etc.

Holy Rosary has, for now, provided Ms. Ferrara with the ambience she was looking for. But what will she do when a new pastor with new ideas arrives (priests are forever being reassigned)? And what about poor St. Mary's parish, within whose boundaries Ms. Ferrara evidently resides? If all the "good" Catholics of St. Mary's decamp to Holy Rosary, who will provide the leaven of persevering faith and selfless service that can, in time, enable the parish to provide more effectively for the spiritual needs of all parishioners? (To a Catholic, "parish hopping" smacks of a Protestant mentality, a does-it-make-me-feel-good? sensibility.)

Walker Percy, who converted in the late 1940s at about age thirty, related the following during a 1983 interview: "I know many Catholics who have been very upset by Vatican II and everything that has happened since. It never bothered me because the important thing is the sacred deposit of the faith. As long as that's intact, everything else doesn't matter."

At the heart of that sacred deposit is the doctrine of the most holy Eucharist, "the source and summit of the Christian life" (*Lumen Gentium*, 11). In the Eucharist, Christ is present to the faithful—body, blood, soul, and divinity—during every celebration of the Mass. Christ is the Bread of Life who holds out the promise of salvation for those who "take and eat." This is true regardless of whether the liturgy appears aesthetically beautiful or vulgar, whether the priest celebrating Mass seems a saint or a clown.

Ms. Ferrara writes of her "trek to Rome" as it if were an action completed. One hopes she will come to understand that, as with many of us, her "trek" is only beginning.

George G. Peery III
Annandale, VA

In "Becoming Catholic: Making it Hard," Jennifer Mehl Ferrara slams her local Catholic churches for creating a "stumbling block" for her to conversion to Roman Catholicism by the way the liturgy of the Mass is celebrated. However, I must take issue with her sweeping dismissal of today's Catholic Church.

In my opinion, Ms. Ferrara's gravest mistake is her overgeneralization about Catholic churches based on her experience in one community in Pennsylvania. Also, in her perspective, the liturgy should elicit awe, which conflicts with those who maintain the liturgy is to find God in the community and not some remote and transcendent Being. I believe that a coexistence of both views is possible and not in contradiction of the Constitution on the Sacred Liturgy (*Sacrosanctum Concilium*).

As to the physical structure of the church itself, I can assure Ms. Ferrara that not all Catholic churches are devoid of statues or have their pews arranged in a semi-circle. In any case, the idea of the facing of the pews is to recall the idea that the Church is a community of believers—not just individuals involved in their own personal prayer. In fact, liturgical rites are designed for full participation in the community and as sharing of community.

Yes, there is variation in music at Catholic churches—reflecting the local church population, not being mandated from Rome to follow a certain musical tradition. Ms. Ferrara seems to be confusing unity and uniformity, but in Article 37 of the Constitution on the Sacred Liturgy, Vatican II rejected the concept of strict and rigid uniformity to specifically allow bishops to adapt the liturgy to different peoples and different regions.

I suppose what galls me the most is Ms. Ferrara's underlying assumption that all Catholic churches should have uniformity in all—from priests with sermon notes, to the number of statues displayed, to the music played. Yes, I too am an educated middle-class white female who enjoys a solemn and awe-inspiring environment for my worship, but my particular tastes do not dictate the liturgical practices of the Catholic Church.

Julie Donati
Sugar Land, TX

When I read Jennifer Mehl Ferrara's essay, I was struck by déjà vu. A cradle Catholic, a few years ago I too looked for a church that didn't resemble a meeting hall, one with statues, a large crucifix, traditional confessionals, communion railings, missions, Benediction, good music—well, you get the picture.

I found it at our beloved Holy Rosary Church in Portland, Oregon. According to our Diocesan paper, the *Catholic Sentinel*, it has the largest Sunday and daily Mass attendance in the Archdiocese. The confessional lines before most of the Masses are long, children receiving First Communion are taught to receive on the tongue, the blood of Christ is not offered, and there are no Eucharistic Ministers. The Holy Week services are exceptional. I could go on and on. I quote from a recent bulletin: "We draw from all over the metro area and beyond. . . . The bottom line is that most people who come to Holy Rosary come for the liturgy, adoration, preaching, confessions, the Rosary, and other devotions."

Perhaps the name "Holy Rosary" is not a coincidence.

Marie J. Suminski
Gresham, OR

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I can identify with the struggle Jennifer Mehl Ferrara faced. Every time I have attended Mass with my dear Catholic friends, the lack of decent music has been painfully evident. Being raised in a very musical family and being a piano technician for many years before entering the pastoral ministry have been both a blessing and a curse. I am so thankful, though, that Ms. Ferrara has found God's place for her in the Catholic Church. However, her journey raises some additional questions for me.

A number of other Protestant pastors, as we know, are converting to Roman Catholicism for some of the same reasons Ms. Ferrara converted. But would the great gospel hymns of the Protestant church those pastors bring with them be welcomed in Mass? If not, could the inclusion of these sound theological hymns be a part of liturgical renewal and open the way for other struggling, conscience-stricken pastors with musical sensitivities?

(The Rev.) Mark A. Rains
Hershey, PA

Jennifer Mehl Ferrara replies:
Mark E. Chapman credits me with being clear-thinking, but he must actually believe me to be very confused indeed. Why else would I look for a post-Vatican II Lutheran orthodoxy in a repristination of neo-Tridentine liturgy, piety, and practice? I suppose my confusion stems from the fact I gave no "serious thought to changing [my] theology upon entering the Catholic Church."

Mr. Chapman has read an awful lot into a short opinion piece the subject of which was not my theological transformation but my experiences with Roman Catholic worship. Suffice to say, I agree with Mr. Chapman that Roman Catholicism has a way of orienting one's priorities toward matters of spiritual discipline and sanctification. What I would argue is that Catholic worship in its present form does little to help people *along in the spiritual pilgrimage* that he describes. Prayer, devotions, penance, emphasis upon Mary and the saints, true meditation and contemplation are in short supply in many Catholic parishes. (Inexplicably, the very practices and theology that Mr. Chapman holds up as being distinctively Catholic he labels antiquarian when found in the parish that I attend.) In sum, I did not want or expect Catholicism to be an idealized version of Lutheranism; I had hoped Roman Catholic worship would be Roman Catholic and, as such, would reflect and participate in the ancient traditions and mysteries of the Church.

However, most of Mr. Chapman's ad hominem criticisms do not address my views of the liturgy but my reasons for becoming Roman Catholic. For the record, I strongly disagree with his assertion that the "apparent apostasy" of the ELCA leadership is not reason enough to leave. The ELCA is an accomplice in the murder of unborn babies. I really believe that; and I did expose this fact through "theological and pastoral criticism" in the pages of *Lutheran Forum* and elsewhere, only to be met with complete indifference. (My former bishop's response was to say it is not an issue about which the laity cares.) I reached the point where I personally felt compelled to separate myself from "evildoers."

I also think Mr. Chapman's distinction between negative and positive reasons for becoming Catholic is overly simplistic. Most pastor converts whom I know were initially disillusioned with their own denominations. In my case, the apostasy of the ELCA opened my eyes to the deficiencies with Lutheranism itself (especially with Lutheran ecclesiology), which, in turn, led me into an exploration of and eventually deep appreciation for Roman Catholic teachings and theology. In the end, I came to believe that faith in Christ and faith in the Church is one act of faith and that the Roman Catholic Church is the truest manifestation of the Church.

I assume Mr. Chapman reached a similar conclusion, which is why I am surprised he thinks I should have remained a Lutheran pastor. I have to wonder if he takes seriously the words of *Lumen Gentium*, 14: "Whosoever, therefore, knowing that the Catholic Church was made necessary by God through Jesus Christ, would refuse to enter or to remain in her could not be saved"; and, if so, why he cares so little about my salvation.

Most surprising is his suggestion that I should have stayed Lutheran in order to take a stand against the teachings of the Church on women's ordination. Interestingly, Mr. Chapman and I both wrote articles in favor of women's ordination for the same issue of *Lutheran Forum* several years ago. I now not only accept but agree with the Magisterium's arguments against women's ordination. He apparently does not. I ask, which one of us is having problems accepting the "Roman Catholic Church in the totality of what it really is"? Though I am happy to have Mr. Chapman as a brother in the faith, I do wish he would refrain from placing upon me the burden of his vision of what he wishes Roman Catholicism were like.

James A. Winterstein also criticizes me for what I failed to say about my reasons for becoming Roman Catholic. Again, space constraints do not allow for a full explanation, but I will say this: I don't need a "valid" reason for becoming Catholic. When Walker Percy was asked why he became Catholic, he usually replied, "What else is there?" He knew this answer was "smart-mouthed" and so do I, but it does convey my conviction that Roman Catholicism is not a "substitute" for Lutheranism or anything else. On the subject of the liturgy, Mr. Winterstein appears to have missed my point entirely: I was not looking for "proper form" but "substance," or, as I put it, "the Truth made manifest" in the liturgy.

Both Messrs. Winterstein and Chapman seem to have trouble accepting at face value my belief in the truth of Roman Catholicism. Whether or not they are satisfied

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with my reasons for becoming Catholic, I am, by the grace of God and the work of the Spirit, where I belong, and that is what is important.

George G. Peery III is critical not of my reasons for becoming Catholic but of the unrealistic expectations I had for Catholic worship. He is not the first person to remind me of Flannery O'Connor's famous line about suffering as much from as for the Church. I too am a big fan of Flannery O'Connor and, having read her letters, I doubt she would have suffered lightly the liturgical shenanigans of the present time. In particular, as is evident from the very letter in which this quote appears, she had little use for sentimentalism, which has become a defining characteristic of this age and the liturgical music and practices emanating from it.

Obviously, I respect Walker Percy, and Mr. Peery's point about the "sacred deposit of faith" being the important thing is well taken; and, of course, he is right when he says the Holy Eucharist is at the heart of that sacred deposit and Catholic worship. However, I cannot accept his suggestion that, as long as the Canon of the Mass is intact, the remainder of the worship service is of little consequence. As I said in my piece, that which surrounds the liturgy of the Eucharist influences our understanding of it. Surely, the current lack of faith in the Real Presence described by many Catholics derives in large measure from modern liturgies that secularize and trivialize the sacred order.

Aesthetics matter because they reflect and inform our theology. Contrary to what Julie Donati assumes about me, I do understand that the liturgy may need to be adapted to the temperaments and traditions of different peoples. (I would add that the section of the Constitution on the Sacred Liturgy to which Ms. Donati refers is primarily intended as a guide for mission activity but has been misused as a legitimation for all sorts of liturgical mischief.) Actually, I encountered a mind-numbing uniformity in Catholic worship that was simply astonishing given the vastness of the Church's treasury of liturgical music and practices. Of all the parishes I have visited, only Holy Rosary offers a genuine variety of musical selections (traditional, contemporary, Latin, Italian, even Protestant) and devotional practices. I would also remind Ms. Donati that the variations and adaptations permitted by Article 37 do not extend to matters that might compromise "the faith or the good of the whole community." This is precisely the danger posed by many of the liturgical changes that have occurred since Vatican II.

I know the current aesthetics reflect an attempt "to find God in the community," as Ms. Donati puts it. The problem is when people look for God in the community they often find themselves and mistake their discovery for God. In "The Worthiness of the Liturgy," Hans Urs Von Balthasar warns, "Anything solemn and ceremonial that does not direct hearts and minds to the one being solemnized is evil, in proportion to how much the character of the solemnity becomes detached from its object and becomes itself the center." The practices of what Mr. Peery terms "quaint ethnics" are, in fact, time-honored practices that direct our hearts and minds towards God. As Marie J. Suminski's letter indicates, many Catholics yearn for these practices. Those in charge of worship ought to think twice before blithely replacing them with liturgical rites designed to celebrate the community.

Was I justified in trying to find an awe-inspiring worship service? Perhaps I am, as Mr. Peery says, guilty of a Protestant "parish-hopping" mentality. If so, it is a mentality shared by an increasing number of cradle Catholics, such as Ms. Suminski. For what it's worth, I did not undertake such activity thoughtlessly. I spoke to several priests and Catholic intellectuals, the most orthodox of whom all recommended I look for a parish where I could worship. After all, my experience with Catholic worship was standing in the way of my conversion. Whether or not I should have found a different way to overcome that impediment is debatable, I suppose, but the purpose of my piece is still important I think—to help Catholics understand how worship looks and feels to potential newcomers. As Mark A. Rains' letter and other correspondence that I have personally received make clear, the state of Catholic worship is an obstacle for others thinking about becoming Roman Catholic. I continue to believe that ought not be the case.

Pursuing Normalcy

We Jews have a long experience of oppression and marginalization, some of which is shared with Christians who have lived under Muslim rule. Thus I experienced a certain shock of recognition at the comments of Habib C. Malik ("Christians in the Land Called Holy," January). Just as many Jews in Europe tried to "normalize" themselves, so too have many Arab Christian intellectuals in this century, particular in those areas most exposed to modernization. George Antonius, author of *The Arab Awakening*, a leading exponent of twentieth-century Arab secular nationalism and founder of the Ba'athist Party that ostensibly still rules in both Iraq and Syria, was a Palestinian Christian. Likewise, George Habash, the Marxist-nationalist leader, is of Christian origin. Just as Jewish revolutionaries from Leon Trotsky to Rosa Luxemburg tried to universalize their lives into larger political movements, so too many Arab Christians pursue normalcy by leading secularizing movements. Mr. Malik's article is a wonderful prayer that even in Palestine our two communities can find some way to establish common ground.

Dennis Gura
Santa Monica, CA

The article by Habib C. Malik was

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right on. I have been in Israel many times over the past few years. Once, during Advent, I was staying at the Notre Dame Institute, which is run by Christian Arabs and is much frequented by Christian tourists in the Holy Land. They had a Mass, in English, every day, and I usually attended. During Advent they often sang "O Come, O Come, Emmanuel." Only instead of the refrain being "O Come, O Come, Emmanuel, and ransom captive Israel," it went "O Come, O Come, Emmanuel, and ransom captive Jerusalem"—the (political) idea being that Jerusalem was now under an oppressive occupation and deserved to be ransomed by God's coming.

The Catholic hierarchy did not do the Christian Arabs a good deed when it taught them to continue to resist the Israeli occupation. Yet the optimistic vision of the last part of Mr. Malik's piece can still prevail: Under more forward-looking leaders in the Church, Arab Christians can still evolve "a theology and moral vision that will recognize Jews as elder brothers in the faith of Abraham."

Mary Carse
Bluesburg, VT

Pius XII and Taking Sides

David Novak's "Jews & Catholics: Beyond Apologies" (January) raised serious points for both religions to ponder. I was greatly heartened by his statement, "My own view is that the Jewish response [to the Vatican statement "We Remember: A Reflection on the Shoah"] is largely mistaken, and that it reflects a misunderstanding not only of Catholic theology but of Jewish theology as well." Precisely: a theological document needs to be read theologically.

Toward the end of his article, however, Professor Novak misunderstands the position of Pope Pius XII. The Holy See does not condemn governments, it condemns policies of governments, as it did with *Mit brennender Sorge*. If one looks at the denunciations of fascism, Nazism, and communism, one sees that nowhere is the government condemned; rather it is the policies of a government.

While it is instructive to see the similarities between what was said about Pope Benedict XV during World War I and Pope Pius XII in World War II, to expect the Holy See to back one side in a war is unrealistic. The Holy See, particularly in wartime, does not issue blank checks to any government.

Thus, the "silence" of Pope Pius XII is a false accusation against a Pontiff who as Secretary of State under Pius XI addressed thirty-four notes of protest to the German government. One can see how skillfully Pius XII, as a pope in the midst of a war, used the nuncios and the agencies of the Holy See to protect those who had no protector, a point underlined by the Chief Rabbi of Rome who took Pope Pius' own baptismal name at his baptism.

(The Rev.) Winthrop Brainerd
Epiphany Parish in Georgetown
Washington, D.C.

David Novak replies:

I am happy that Father Brainerd is "greatly heartened" by my insistence that the recent Vatican statement on the Catholic Church and the Holocaust be read by Jews theologically. Dialogue between Christians and Jews should always be theologically grounded, so much so that when *political* issues are under discussion, each participant in the dialogue should come with his or her political theory in hand. Nevertheless, Fr. Brainerd chose not to elaborate on his theological appreciation of my article; instead, he quickly accuses me of misunderstanding just how the Vatican operates in the world of realpolitik, and that is the thrust of his whole letter.

He takes issue with my analysis of the moral debate about the role of Pope Pius XII during the Holocaust. Yet, I did not take sides in that debate. I simply pointed out the arguments both pro and con concerning the actions and inactions of that complex and enigmatic pontiff and why, therefore, the Vatican statement would have been better if it left discussion of him for another, more specifically historical, statement or if it had left the whole question to the judgment of impartial historians when more evidence finally becomes available.

In any case, why couldn't Pius XII have denounced the whole Nazi regime if or when (another point of historical debate) he learned that it was engaging in genocide as a matter of official state policy? Could one not do so based on St. Thomas Aquinas, whose thought had been placed at the very center of modern Catholic teaching by Leo XIII, and who was especially venerated by Pius XII? According to Aquinas, a regime loses its moral validity when it acts in such clear violation of natural law. Here again, justifiable prudence may well have prevented an explicit denunciation from being publicly uttered at such a dangerous time; but that point is still subject to more thorough historical review and moral judgment.

Further, when Fr. Brainerd mentions Benedict XV during World War I, does he really think that either the Germans or the Allies engaged in state-sponsored genocide then, even though certain atrocities did occur? If not, then his analogy of the situation of Benedict XV and that of Pius XII is spurious.

The most disturbing part of Fr. Brainerd's letter is the last part of the last sentence, where he refers to the conversion of the former Chief Rabbi of Rome and his taking the baptismal name Eugenio after Pius XII (Eugenio Pacelli). This point is presented as a proof of how grateful some Jews have been for having been saved from the Nazis by Pius XII. Now, no Jew today who is honest could deny that some Jews were indeed saved due to the orders of Pius XII to certain Italian monasteries and convents to offer them a hiding place. But that secret virtue of Pius XII does not answer the question of his overall public stand on Nazism and the Nazi regime. Finally, the mention of the conversion

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of Rabbi Israel Zolli (something still quite painful to his former community, virtually none of whose members followed his example) strikes me as gratuitous. Obviously, Pius XII did not make conversion to Catholicism a condition for his life-saving actions.

In Defense of Core Curricula

Gilbert Meilaender ("So You Want to Go to College," January) argues against centrally prescribed college core curricula on the grounds that they would be controlled and subverted by the radical faculty who reign in so much of the academy, and to whom traditional liberal education is inimical.

Professor Meilaender's account of the designs and influence of campus radicals is certainly perceptive. It is clearly not enough to institute core curriculum policies alone. Rather, methods must be found to move at the same time in the direction of standards-based policies for ensuring institutional accountability.

Higher education trustees can lead the way in reviving core studies and in realizing other curricular reforms by establishing general academic principles, setting minimum core requirements and standards, encouraging the creation of competing core curricula on campuses, and providing incentives as well as penalties aimed at campus compliance with such guidelines. Trustees can insist on appointing campus presidents who are committed to the necessary academic reforms; they can also review these presidents more stringently, holding them to greater account for the quality of the academic programs for which they bear responsibility.

My fellow trustees and I who serve on the State University of New York Board are instituting precisely such structural reforms throughout SUNY. We have strengthened the procedures by which SUNY presidents are appointed and are likely to adopt strengthened presidential review guidelines in the near future. In addition, we have taken the first steps toward providing performance funding, funding that rewards the successful attainment of system-wide academic goals as opposed to adherence to the status quo.

More immediately germane to Prof. Meilaender's concerns, we passed a resolution last December that mandates a system-wide core curriculum that is coherent, of high quality, and composed where appropriate of broad courses—courses of a type that will not be easily commandeered by faculty with narrow agendas. Moreover, we have directed SUNY's presidents to provide the necessary funding for these core studies and called upon SUNY's provost for his assistance in implementing this requirement.

In the long run such measures have, in my view, much potential for redirecting colleges and universities, and even entire public higher education systems, toward the realization of the academic goals that we share. These measures will better serve Prof. Meilaender's worthy aim —that "good students . . . will find the good courses taught by . . . good faculty"—than his proposed solution, "the most minimal of distribution requirements," so that "good students will at least be set free, and . . . with . . . a little luck . . . find the good courses. . . ."

Candace de Russy
Trustee
State University of New York

One-Sided View

The attack by Richard John Neuhaus on Jewish efforts to press claims against Swiss banks is intemperate and one-sided ("Grasping for the Gold," November 1998.) He accepts, with a figurative shrug of the shoulder, the idea that "there are no records," and that therefore the claims ought not be enforced.

Did the banks, who after all undertook, in accepting the deposits, the responsibility of stewardship, have no obligation to maintain records? Were they justified in demanding death certificates from Holocaust victims' heirs? Does the discovery that the banks were destroying records from the 1930s as recently as a few years ago, and that records of old accounts have in fact been discovered, give Father Neuhaus any pause?

While there may be some distasteful behavior surrounding the pressing of these claims, comparing that behavior to the actions of the Swiss banks for fifty-plus years is comparing jaywalking to murder.

Bernard Yomtov
Cambridge, MA

Is Ever Forever?

I have just finished reading Richard John Neuhaus' astounding review of *Cold Mountain* ("Literature and the Market," Public Square, January). The sundry paths individual readers can take even when journeying through the same book is strange indeed. I, a white male Arkansan, have spent a couple of hours a day for the last week fairly reveling in Charles Frazier's novel. Had I been given a long list of epithets with which to describe it, and had "politically correct" been among them, I think it would have been the very last I would have chosen.

One could write a small thesis exploring the curious judgments Father Neuhaus reaches about this book.

For example, he writes of *Cold Mountain*'s conclusion:

> And, of course, as is the way with such romances, hero and heroine are united at last and set to live happily ever after. One can almost hear the sighs of the women of Westchester upon turning the last page, languorously dreaming of their Inman who, through great trial and danger, is on his way to rescue them from a world unworthy of their elevated souls.

I gather that our reviewer read

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the book with considerably more celerity than I, perhaps even gobbling it down whole on a transatlantic flight. The sentences from his review that I have just cited, however, suggest he didn't quite finish the book. Inman and Ada do not live happily ever after. Inman dies in the book's penultimate chapter.

Johnny Wink
Arkadelphia, AR

RJN replies:
Well, I didn't mean *forever* ever after.

The Sacrament of Penance

I. Absolution

a second plank given to us
by the mercy of God after shipwreck
Edward Pusey

Forgiven once-
and-for-all at our birthing baptism we still
circle high seas, forget to breathe
the airy Spirit, go under
and under.

Our collared step-father
sights us as stranded, locates sorrow
in those lost cells circling
each drowning mouth. He too
is wet from shipwreck,
a servant-sailor soaked to his mortal skin,
but sanctified.

It is the Other who holds us,
first holding out
the long plank of his cross
to pull us in, let us drink again
his unsalty, preserving self.

II. Repentance

the necessary preparation

contrition

in the dark night of the soul,
no soul left. the blackness of barren bellies,
all that is shriveled, starved. in the dark night
of our sin, hell hovering, heaven's distance tipping
into
east from west widening. in the dark
sight of our infested selves,
our soot-filled souls. in
sin.

confession

A lazarus, dead and still dying,
I stink with the rotting
of sin wrapped tight about limbs
limp with what man is and isn't.

by my fault,
my own fault,
my own most grievous fault,
I confess that I have committed. . . .

A jonah, slipping in the vomit
of what ingests us when we swallow
the direction away from God

For these and all my other sins
which I cannot now remember,
I am heartily sorry. . . .

A caesar's wife haunted by the hell
of what we are: gardens exiled, heels crushed,
crucifixions tattooed across our supplications.

Wherefore, I pray God to have mercy upon me,
and you, my father, to pray for me
to the Lord our God. Amen.

amendment

Not the pillar-of-salt-looking-back-at-the-lack-of-
limits scenario;
not the saccharine-soft-shoe-song-and-dance list of
yes
and yes and maybe, possibly yes, I'll try, perhaps;
not even the pound of flesh sautéed on the scale with
Hail Mary's.

Instead, geometry's half-halo of inscription:
prick of the compass steel, the line from then to now
steady and bright and eerily even for one-hundred-
eighty
contrite converted degrees.

Marjorie Maddox

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THIS TIME

Catholics, Protestants, and Contraception

James Nuechterlein

It has become a commonplace that religious controversy today occurs more often across church boundaries than between them. Prior to Vatican II, the most important theological disputes in America—and in the West in general—pitted Protestants against Catholics. In the decades since, such disputes have increasingly pitted religious traditionalists against religious progressives—with diminishing regard, on either side, to denominational affiliation. In shorthand terms, the present division separates those who see the creeds as expressions of truth from those who see them as exercises in metaphor.

Differences between Catholics and Protestants have not entirely disappeared, of course. Papal infallibility and the Marian dogmas come immediately to mind, as does the issue of the ordination of women. But on most matters of faith and practice—including abortion, the great socioreligious issue of our time—conservative Catholics and Protestants stand together in opposition to their liberal coreligionists.

There is one great exception to this contemporary reconfiguration of religious alignments: the issue of contraception. Conservative Protestants may share Pope Paul VI's concerns in *Humanae Vitae* (1968) about the overall negative effects of ready access to birth control on sexual morality. But virtually none of them—as evidenced, for example, in FT's symposium on contraception last December—is ready to go along with the Catholic Church's insistence that each and every conjugal act must be open to procreation. The Pope's prescient consequentialist arguments against contraception do not, in Protestant eyes, outlaw its legitimate use within a marriage open to children.

There are divisions within Catholicism on this point: Many Catholics, it is clear, do not practice what the Church teaches. But among Protestants, it is not simply that the overwhelming majority of them come down on the same side of the issue, but that for most of them *there is no real issue here at all.* FT received a flood of letters in response to the contraception symposium (for a sampling, see last month's Correspondence section). Almost none came from Protestants. This is not a matter that engages them.

Permit me a personal elaboration. When my wife and I married, we assumed as a matter of course that we would have children. She talked about eight; I thought two would be fine, but indicated a willingness to negotiate. (We wound up, in the end, with three.) We did not want children immediately—I was still in graduate school—but if she had become pregnant, we would not for a moment have considered abortion.

But neither for a moment did we morally hesitate to practice contraception. (The only extended discussion was over the method.) It was not a matter of carefully weighing the pros and cons and struggling to a decision. We no more debated whether we would use contraception than we debated whether we would, in the fullness of time, have children. Of course we would someday, God willing, have children; of course, in the meantime, we would practice (non-abortifacient) contraception. This was not, for us, a matter of presuming on God's providence. It seemed rather a right use of reason in fulfilling the various goods of our marriage.

It is important to emphasize, further, that at no time did contraception create a moral or emotional barrier between us. (We have recently discussed this at some length.) We always reached agreement on when we would use it and when not, and during the times we did, it was never, logistics occasionally aside, in any way a difficulty. Whatever problems arose in our marriage, contraception was never among them. Contraception did not, contrary to the warnings of *Humanae Vitae* on this point, lead me to lose respect for my wife, nor lead her to feel used. If someone had told us, in the words of one FT correspondent, that we were "withholding our fertility from one another," he would have met with blank incomprehension. We intended both the unitive and procreative goods of marriage, but not necessarily both in every act of love.

The point of this self-revelation is not to insist on the rightness of our view of these matters. It is rather to suggest how utterly typical that view was and is. There is nothing singular in our experience, I believe; it is, mutatis mutandis, the experience of most Protestant couples of our generation and after. And I am speaking not of liberal Protestants, but of Protestants committed to a thoroughly orthodox understanding of Christian faith and life. We are as conventional and conservative on issues of sexual morality as our most traditionalist Catholic friends. But while we do not oppose natural family planning—indeed we find it admirable—we cannot concede that it is the only licit method of regulating fertility.

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Catholic/Protestant differences on contraception matter as much as they do because they are entangled with larger issues. The Catholic position on contraception, at least as traditionally formulated, is based on natural law. Natural law does not depend on biblical revelation or dogmatic formulation. Its precepts, according to Thomistic understanding, are planted in the hearts of all people and are accessible by reason. We are dealing here, in J. Budziszewski's nice phrase, with those moral laws "we can't not know."

Natural law has never played as large a role in Protestant theology as it has among Catholic thinkers. Some Protestants, in the tradition of Karl Barth, vigorously oppose it; for others its role is marginal. But most conservative Protestants take natural law seriously, and see it as an essential element in maintaining public moral standards in an increasingly pluralistic culture.

Enter contraception. Paul VI addressed *Humanae Vitae* not just to Catholics but "to all men of good will," thus suggesting its foundation in a natural law argument presumably readily available to non-Catholics. But, it turns out, the prohibition against contraception is—for Protestants—a moral law they *can* "not know." This raises problems, possibly for Protestants, certainly for our understanding of natural law.

Aquinas conceded that there are situations where some people under some circumstances can be blinded to natural law precepts. It seems odd to suppose, however, that in our time virtually all Protestants (and not a few Catholics) would have their moral faculties so corrupted—not in general, but on this one particular issue. And the problem cannot be attributed to lack of careful consideration. Many serious Protestants have by now read and pondered *Humanae Vitae* and remain as unpersuaded by its arguments as do those who have never given it a moment's thought. Positions on this issue are firmly set: I doubt that few if any readers of FT's symposium had their minds changed either way by the arguments adduced there.

The point of my argument, again, is not—or not primarily—to insist that Protestants have this matter right. I obviously think they do, but this is not the occasion to attempt fully to establish that. The point is rather to remind orthodox Christians, Catholic and Protestant alike, that we have in contraception and issues that flow from it an impediment perhaps more formidable than we like to suppose to the ecumenical fellowship that is, for so many of us, our deepest longing. In *Humanae Vitae* (para. 18) Paul VI noted, in magnificent understatement, that "it is to be anticipated that perhaps not everyone will easily accept this particular teaching." On that, thirty years down the line, we can all agree. The question is where we go from there. FT

Hopper's Vaudevillians

Hopper's Vaudevillians
just two souls left on the stage

one took the other by the hand
and they lean forward to take one last embrace

of the audience's air
in the bow, a red hat

on his head, her hair bowed
at the back, white limbs taut in the glare

of the cold spotlight
only laughter as their steps eke out

a pause, and they cling
at the edge of the stage

waiting for the light to come
and take them away.

Atar Hadari

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Opinion

"The American People"

Robert W. Jenson

Sometimes the phrase became so intolerably ubiquitous that entire comedy routines were made around it. But neither political leaders nor the press nor furrowed-brow academics nor editors of prestigious journals nor indeed "the American people" have seemed able to desist. All parties to our recent disputes have incessantly claimed either to represent "the American people" or to be looking out for its better interests. Polls constantly measure its "will." President Clinton has professed himself determined above all to get on with its "business." And queried by roving reporters, presumable members of "the American people" regularly complain that government does not sufficiently heed it, or its will.

But what sort of thing *is* "the American people"? (I will from here on mostly refrain from the scare-quotes.) As soon as the question is posed, and a quick mental survey is made, the answer becomes obvious: the phrase as used must name a wholly fictitious entity. According to the grammar of current (attempted) references to the American people, the thing referred to exists strictly in the moment of reference. But human being, individual or collective, subsists only diachronically, occupying a stretch of time.

The will of the American people is, according to recent usage, ascertained by polling a present cross-section; it is a momentary phenomenon to be measured as we measure degrees Fahrenheit. Past persons do not belong to this American people. Thus, for a key example, the authors of the Constitution appear in debates and analyses only as authorities, perhaps supporting or perhaps challenging, but in any case *other* than the American people. (I owe this observation to a comment by William Bennett.) Future persons do not belong to it either: "our children" have figured prominently in the discourse, but only as those *for* whom the American people are concerned. But of course no person, to say nothing of a people, subsists in a momentary present tense.

The author of this essay is just as much constituted by his former utterance of perhaps now embarrassing opinions as by the present act of writing. His will is not what he happens at the moment to want; his faith is not what a present inventory of his religious opinions might discover; his conviction is not the answers he might give even to an omnicompetent poll-taker; his love spans all the decades of the beloved's life. Indeed, only the most superficial observer would attempt to describe him without reference to an indeterminate group of persons quite other than him, most of them past, as to Thomas Jenson, buried at Clifton, Texas, or to Lena Nerhaugen, buried in Mt. Olive Cemetery in Chicago. And any attempt on my part to act as if it were not so could only be a sort of attempted moral suicide.

All this is of course doubly true of a people. If we were to use the phrase "the American people" with meaning, it would refer to Thomas Jefferson and Benedict Arnold and my grandparents just named fully as much as to anyone now living. The will of the American people that actually exists is stated by the Plymouth Covenant and the Declaration of Independence and the Constitution and "I have a dream" and the contrarian judgment of Clinton maintained by a straight-backed widow in Peoria who is included in no surveyor's sample or focus group. And it is wholly unavailable to polling. Does the American nation "support our troops"—wherever they currently are occupied? If it does, the support does not consist in a majority wishing them well at the moment, but in their being legally dispatched by a legally elected government, in the provision of weapons and food by taxes collected in common consent over the years, and above all in the coherence of their sending with the nation's historically achieved common good. I could go on in this vein, but perhaps the point is made.

That "the American people" (sorry, it was necessary) as currently evoked cannot exist, does not mean it is harmless. Americans' self-identification with a non-entity must be, if not actually a cause of our nihilism, at least a very clear symptom. Surely it offers partial explanation of a strange phenomenon: that the more Clinton has refused responsibility for his past, the more popular he has become. It is very hard not to love one's own image; I suggest that the more blatantly Clinton refused to live a morally continuous life, the more Americans recognized their own isolation in the moment. Americans have notoriously been short on historical self-awareness, but determination to have no past or future seems at the moment to have reached the point of mania.

Perhaps we can explain also a second phenomenon of the recent unpleasantness: the agreement by all parties that sexual misconduct is a private matter. Some argued that because Clinton's perjury was about sex he should not be impeached for it; others that perjury is perjury, though of course his sexual behavior is none of our business. Now, if ever a com-

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mon opinion was manifestly absurd, it is the notion that sexual acts are not the community's concern. Sexual attraction and union is—as every field anthropologist knows and as is in any case obvious—the very creation of community. Intercourse, or deliberated abstention from it, is the primal act by which in an absorbing present moment we reach out from ourselves to the future. It is the arrangement God has made for the continuation of community across time, and the enticement he provides for individuals' interest in that continuity. Is not Americans' —hopeless—passion to privatize sex simply one part of our rebellion against diachronic humanity?

We have to get past Augustine in this matter. It has for some years been so fashionable to blame Augustine for Western troubles that a counter-fashion has arisen of debunking his debunkers. Nevertheless, Western Christendom's great spiritual and intellectual founder did teach both church and civilization that the past exists only in the present moment of our remembering it and the future only in the present moment of our anticipating it, and he was utterly and disastrously wrong. For the past exists in *God's* remembering it, and the future in *His* anticipating it; and what is remembered and anticipated in the life of God is not reduced to a present moment but rather spans and enables all moments. Our lives and our nation's lives transcend the present moment, to make genuine stories plotted between future, past, and present, because there is the biblical God—which Augustine of all people should have known. His lamentable and perhaps only serious error seems to be the one thing the general culture still retains from him.

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Letter from Poland

Alicia Mosier

If you looked closely during one of the full-to-bursting Sunday evening student Masses last summer at the Dominican church in Krakow, Poland, you would have seen four nicely dressed young men sitting together in one of the pews. When the Mass ended, they took out their copies of the Liturgy of the Hours and said Vespers together. They went out afterwards for their usual evening lager, cigarettes, and discussion, and, although they did not talk about God, one could be fairly certain that God was enjoying their conversation.

I met these young men first when I was in Poland for the annual American Enterprise Institute seminar on the social teachings of the Church, held at the Dominican priory in Krakow. They were always lurking around here and there, helping Father Maciej Zieba, the Provincial of the Polish Dominicans and an organizer of the seminar, with some research at the Tertio Millennio Institute across the street. They often ate in the refectory with us, and from the first it was clear that the bond between them was very strong. Soon I discovered that what united them was something much more than a research project. It was nothing less than the common pursuit of the life of faith.

For the moment, though, all I knew was that these guys seemed to be inseparable, did a lot of laughing, and had a habit of ducking into the priory's chapter-room to pray at odd times of the day. Gradually I began to learn their whole story. (I should mention at the outset that it is somewhat unusual for a woman to have seen so much of this group, much less to be reporting on it. It is self-consciously an all-male organization, and although more women are slowly becoming involved at the fringes, most of its activities are for the guys only—a very good thing, in my opinion.)

There were about twenty of them in all; they were all from Poznan, in the west of Poland; some met in secondary school, others in their university's law program. What brought them together in their present company, though, was that they all had Fr. Zieba as a confessor. He got to know them one-on-one in their confessions and outside discussions, and before long he realized that there were a number of very talented young men in his parish who did not know their own potential. He saw that they were more or less indifferent to the faith; they observed the rituals and received the sacraments, but had not yet found their way to a real love for the Christian life. He decided to bring them together.

There is a precedent for this sort of thing in modern Polish history. During World War II, in the parish of St. Stanislaus Kostka, a priest named Father Jan Mazarski held weekly meetings for young people on Sunday evenings. The leader of these meetings, in which theological questions were argued with the famous Polish intensity, was a tailor named Jan Tyranowski, who was the leading layman in the parish and a person of great mystical gifts. In his book *Karol Wojtyla: The Thought of the Man who Became Pope John Paul II,* Rocco Buttiglione notes that Tyranowski's religious wisdom came from the fact that he saw the doctrinal truths of the Church as "the object of normal experience." To bring young people into this same faith, he led a "living rosary" in the parish, "groups of fifteen young men (the same number as the stations of the rosary) who committed

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themselves to a friendship directed toward Christian perfection." One of the participants in this "living rosary" was the young Karol Wojtyla, much later to become Pope John Paul II. Fr. Zieba's circle—in form and substance—is a direct descendant of this group.

The best way to describe them is the way they describe themselves: as Fr. Zieba's "rabbinic group." What distinguishes them from similar groups—lay institutes, third orders, and the like—is the nature of their community: it is a community of friendship, not of vows, and it is organized more organically than institutionally. Though they are not formally incorporated into it, they are closely associated with the Dominican Order and influenced by its charism. Their time together is preparing them not for the priesthood or religious life, but rather for a life of preaching the Word through their lives in the world. What will tie them together as they begin to pursue their various lay vocations, then, especially as some travel far from home to do so, is not their structural unity but their friendship. They intend to be a pattern and a rule for each other, whatever tasks they undertake.

In their effort to live the Dominican maxim, "to share with others the fruits of contemplation," their first training is naturally in the life of the mind. They meet every week in a formal setting to discuss a common text in political theory, theology, literature, or philosophy. Usually one of them prepares a short essay on the text to be discussed and presents it to the others, who respond almost in the manner of a scholastic disputation. Recent debates have covered such diverse topics as William Kilpatrick's work in spirituality and psychology and Pope John Paul II's encyclical *Fides et Ratio*. Not surprisingly, they have spent many hours discussing the Pope's writings; most of them became seriously attracted to Catholicism first by learning about the social teachings of the Church. They began, as one of them has described it, "as *Centesimus Annus* Catholics, and it took a long time before each of us and all of us discovered and experienced that at the very bottom of this there is the humble *Redemptor Hominis* ["Redeemer of Man"]. Thus in a sense, the proper order, as in the proceeding of John Paul's encyclicals, has been restored in our individual lives."

Their involvement with each other, then, is clearly not just intellectual. As in Tyranowski's "living rosary," the task of this circle is spiritual growth, achieved through friendship. With great intellectual gifts sometimes comes a tendency to be indifferent to others, even a willingness to be cruel in demonstrating one's talents. This predilection or vice almost always stems from the illusion of one's self-sufficiency, a denial of one's need for others; it is ultimately the Pelagian temptation as well. Convinced that this most needs to be overcome, these young men make it a point to practice what is known as fraternal correction, gently and charitably pointing out to each other (in private!) the faults each has noticed in the other. They understand in very realistic, practical ways how important it is to be honest with themselves and each other about their failures. Their ways of "confessing" to one another follow strict procedures—it's important to them not to let emotions dominate, but to seek out the truth with a sober mind, and with perfect trust.

Fr. Zieba calls this "acrimonious love." Love needs a special *modus existendi* in such a group if it is to avoid becoming just a place to hang out or, at the other extreme, a hotbed for male-male affections. A good example of the nature of their sort of love—sharp, tough, and candid as it is—is the award given each year to one young man from the rest of the group: the "Digger" award for "the most spectacular spiritual growth of the year." The prize, a statue of a man digging in the ground and finding gold, is doubly symbolic: it represents the hard work and success of the recipient, but also the prize that awaits us all, that treasure for which, if we fully understood its value, we would give everything. Growth in holiness is always rooted in the search for the Truth; for these young men, it is friendship that makes both movements possible.

But at the very heart of the life of faith, there is humility. Seeing oneself and the world clearly, with the Father's eyes, is the first step to unity with Christ, a step that must be taken again and again. Fr. Zieba reminds the group at every turn, with a profound and refreshing realism, of the mysterious presence of both weakness and dignity in the human person; they are learning, day by day, to see both qualities in themselves. What they seek, in the end, is an integrated life—honestly evaluated, and healed by Christ. The Eucharist, confession, and prayer are their most important guides. "It puts things in the proper order," one of them once said to me; "for example: first the Vespers, then we can go out. We need to let God's design arrange ours." The fruit of their service to God, naturally, is service to one another. It is striking to see these ordinary young men helping each other in their daily tasks, taking each other to dinner, giving up their time to talk or to pick someone up on the other side of town, sweeping the floors of their meeting-place.

In addition to their intellectual and spiritual training, they are putting what they learn from one another and from the Lord into practice in evangelization. They translate and write articles for publication, interview scholars and churchmen and politicians, and help with the growth and development of the Dominicans in Poland. Several of them assist with winter and summer schools for high school students, leading discussions and serving as mentors for other young men. Now and then a new member is added to the group; it is always an occasion for celebration, and with very good reason. He

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will be one more young man who will learn what it means to be a Christian. No surprise, then, that on the most recent of their annual trips to Rome, in a meeting arranged by Fr. Zieba, the Holy Father himself told them to stick together.

It is a remarkable thing for an American to see a group of young people come together to discuss the Christian reality so avidly and to work so hard in common to put it into practice. For young Catholic laypersons in America, opportunities to talk seriously about the faith with their peers—and not only to talk about it, but to join with them in learning to live it—sometimes seem few and far between. Parish youth groups and Newman Centers often emphasize "social justice" (or even just "socializing") so strongly that they spend only minimal time giving young people a chance to learn about the contemplative and sacramental riches of the Church, the interior life without which action is empty. There are many exceptions to this rule, of course; one thinks especially of all the renewal movements springing up in this country, movements whose members are extraordinary examples of enthusiasm and devotion, not to mention deep knowledge of the faith. In large part, though, youth organizations in America tend to present a vision of the Church as only a social institution, of Catholicism as more an extracurricular activity than an integrated way of life. The Church appears nonthreatening, useful, fun.

As a consequence, through no fault of their own, many young people do not understand the most fundamental truth of the Catholic life: that because of God's presence in our midst, we are called to and enabled to achieve greater and greater holiness, and that such growth can really only take place in a community of faith, hope, and love, in which our lives are laid bare to one another and to God—a community that recognizes itself as part of the Body of Christ. More fundamentally, it seems many are afraid to acknowledge their need for God. What makes these young Poles such a good example is their growing understanding that there is no reason to be embarrassed by their neediness, their failures, their longing for fullness in God—as there is no reason to be afraid to use the gifts He has given. What they have learned, in fact, is that by sharing their very brokenness with each other, they are opening themselves to that fullness for which they long. In other words, they are becoming followers of Christ.

Another summer evening now. Fr. Zieba's rabbinic group tumbles into a small chapel in a corner of the Dominican church in Poznan. The chapel is almost empty of decoration; there is only an altar, a crucifix, and an icon of the Virgin Mary on one white stone wall. The group knows what to do: they arrange chairs in front of the altar; one of them takes the lectionary, another the hymnbook; they sit in silence, listening for the Lord. Fr. Zieba enters, the Mass begins, and the Holy Spirit is powerfully present. At the elevation, the world inside that chapel is utterly still; at the kiss of peace, each person makes his way around the room until he has grasped the hand of everyone there. The peace of the Lord is with them.

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Is Private Schooling Privatizing?

Christian Smith and David Sikkink

Question: Are families that choose private schools and home education for their children more likely than families involved in public schools to be socially isolated and withdrawn from participation in civic life?

Answer: Absolutely not. In fact, to the contrary, recent survey data from the U.S. Department of Education show that Catholic, Protestant, and nonreligious private schooling and home schooling families are consistently *more* involved in a wide spectrum of civic activities than are families of public school children. From voting to volunteering to visiting the local library, private and home schooling families are very much out in their communities and involved in the affairs of public life. Private schooling, it turns out, is anything but privatizing.

These empirical findings have important implications for the increasingly hot debates over school choice, tuition vouchers, Christian schools, and home education. For in the last two decades, many Americans have grown increasingly concerned about our nation's capacity to sustain a shared moral order and robust public life. In 1985, for example, Robert Bellah and his colleagues warned in *Habits of the Heart* that American individualism is eroding the republican and biblical commitments that sustain a vigorous civic life. Mary Ann Glendon's 1991 book *Rights Talk: The Impoverishment of Political Discourse* argued that a rampant rights-discourse is now undermining our shared American values and the common good. And in the mid-1990s, Robert Putnam warned in his noted articles, "Bowling Alone: America's Declining Social Capital" and "The Strange Disappearance of Civic America," that Americans are increasingly withdrawing from public participation into their own narrow, self-interested, private worlds. Many others, including Richard John Neuhaus, Arthur Schlesinger, Jr., Christopher Lasch, Alan Wolfe, Richard Sennett, Amitai Etzioni, Robert Wuthnow, and James Hunter, have sounded similar concerns. America is in real danger, many able cultural observers warn, of losing its shared cultural order and common civic life to the corrosive forces of individualism, privatization, fragmentation, and cultural polarization.

It is against this backdrop that champions of the old public school system decry our society's current move toward school choice, tuition vouchers, home schooling, and the like. With all of the cultural and institutional forces that are pulling America apart, they implore, how can we contemplate dismantling one of the last public institutions that historically have held America together? Public schools, it is argued, have not only always provided for all American children the opportunity for a genuinely liberal education; they have also served to integrate America's racial, ethnic, and religious diversity, and to teach common American cultural and political values. How can we—now, of all times—start undermining the foundations of what may be our last institutional dike against a future of social fragmentation, privatized isolation, and civic indifference?

It is important to be clear here about what counts as "civic" and "public." Critics of private schooling often equate "civic" with a narrow range of liberal and "neutral" activities, and "public" with governmental ones. Within this framework, these critics might say, sure, Christian and home schoolers are activists, but their (presumed) narrow kind of activism fragments society and undermines democracy. Our approach here relies instead on a more Tocquevillian view of civic engagement, which suggests that American democracy thrives on the widespread participation of its citizens in a host of *different kinds* of asso-

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ciations that mediate between the individual and the state, often even when those associations are not manifestly political or liberal; that the experience of association and participation itself tends to socialize, empower, and incorporate citizens in ways that stimulate democratic self-government, even if they involve some particularity and conflict in the process.

Be that as it may, many popular stereotypes about private schools and home education directly feed into concerns about the social consequences of private schooling. The popular imagination easily conjures up images of severe, anti-intellectual, Bible-thumping fundamentalist Christian schools that indoctrinate rather than educate their students; of Volvo-driving parents emerging from their affluent, gated "communities" to drop their children off at exclusive private academies the central purpose of which is to reproduce class privilege; of born-again parents, fearful of alleged secular humanism, pulling their kids out of public schools to give them amateur educations in the small worlds of their own private homes. How, one might wonder, will these kids ever learn to understand and share a society with other people very different from themselves? How can these families ever pull themselves out of what seem to be narrow worlds of religious purity, financial affluence, and family reclusivity in order to participate in a shared American public life?

Certain scholarly studies of Christian schools seem to validate these popular images, raising similarly troubling questions about private education. For example, Alan Peshkin's 1986 book *God's Choice: The Total World of a Fundamentalist Christian School* portrays one Christian academy as enveloping its members in a "total world" of exclusivistic religious meaning, isolated and withdrawn from the pluralism of mainstream American life. And Susan Rose's 1988 book *Keeping Them Out of the Hands of Satan: Evangelical Schooling in America* suggests that evangelicals are seeking through their Christian schools to establish religious enclaves within which to exercise control and enjoy autonomy from secular institutions and cultures. Once again, one might easily surmise that private schooling is indeed privatizing in ways that erode a civil, pluralistic public sphere.

These apparently antiliberal tendencies of private schooling are very troubling to some academics. In fact, Illinois Institute of Technology law professor James Dwyer has recently published what private schoolers can only view as an ominous book, *Religious Schools v. Children's Rights* (Cornell University Press, 1998), which argues for heavy state regulation of religious schools to counter pedagogical practices that Dwyer deems "damaging to children." The book "presents evidence of excessive restriction of children's basic liberties, stifling of intellectual development, the instilling of dogmatic and intolerant attitudes, as well as the infliction of psychological and emotional harm, including excessive guilt and repression and . . . diminished self-esteem." Dwyer argues that "the focus [should] always be on what is best, *from a secular perspective*, for the affected children. . . . States are obligated to ensure that such schools do not engage in harmful practices and that they provide their students with the training necessary for pursuit of a broad range of careers and for full citizenship in a pluralistic, democratic society." We see, then, that an activist (and, from some perspectives, imperialistic and paternalistic) state is thought necessary, not only because religious schools allegedly damage children, but also because they purportedly undermine the kind of broad public education and civic involvement necessary for "full citizenship in a pluralistic, democratic society." In short, Dwyer claims, private religious schooling is perniciously privatizing.

But the empirical question remains: *Is* private schooling really privatizing? Here we present evidence from a reliable national education survey which shows that—contrary to these popular stereotypes and academic critiques—private and home schooling are definitely *not* privatizing. Indeed, the data show clearly that the most privatized American families are consistently those whose children attend public schools.

Our evidence comes from the 1996 National Household Education Survey (NHES), conducted by the U.S. Department of Education's National Center for Education Statistics. This study surveyed a large, nationally representative sample of 9,393 parents of school-age children. The survey used carefully constructed questions to differentiate the public schoolers from Catholic schoolers, non-Catholic church-related schoolers, nonreligious private schoolers, and home schoolers.

In addition to questions about schooling, the survey asked parents questions about the extent of family involvements in a variety of civic activities. Parents reported whether they were members of a community organization; participated in an ongoing community service activity; went to the public library for books, tapes, lectures, story hours, or to use library equipment; voted in a national or state election in the previous five years; wrote or telephoned an editor or public official or signed a petition in the previous twelve months; attended a public meeting in the previous twelve months; contributed money to a political candidate, party, or cause in the previous twelve months; worked for a political cause in the previous twelve months; or participated in a protest or boycott in the previous twelve months. By comparing differences in family participation in these nine forms of civic involvement, we are able to determine empirically whether private schooling actually is or is not privatizing.

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The results reveal a consistent pattern: Catholic schooling families, other Christian schooling families, nonreligious private schooling families, and home schooling families are consistently *more* involved in all of the civic activities examined than are families with children in public schools. The only two exceptions are that home schoolers are equally likely as public schoolers to attend public meetings, and that 2 percent fewer non-Catholic church-related schoolers than public schooling families have volunteered for a political cause. Otherwise, private and home schooling families are, by an average margin of 9.3 percent, more likely than public schooling families to engage in all of these forms of civic participation. Some of the larger observed differences in civic participation deserve particular mention. Up to 10 percent more private schooling than public schooling families have attended a public meeting or rally. Up to 13 percent more private schoolers have given money to political causes. Up to 15 percent more have voted in recent elections and have telephoned elected officials to express their views. And up to 26 percent more private schooling families than public schooling families are members of community groups and volunteer at local organizations. (All statistics are published at the authors' web site: <www.unc.edu/~cssmith/firstthings/index.htm>.)

These findings definitively answer the question at hand: private schooling is absolutely *not* privatizing. Private schoolers and home schoolers are definitely *not* the isolated recluses that critics suggest they might be. It is, rather, the public schooling families that are clearly the least civically involved of all the schooling types.

But the evidence that private schooling is not privatizing is even stronger than this. Most people know that participation in civic activities is strongly correlated with certain other social factors, such as people's years of education and income. We also know that, on average, private schooling families are likely to possess more education and to earn higher incomes than public schooling families. Could it be that the private schooling families' greater participation in civic activities is simply the result of their higher education and income, and has nothing to do with schooling per se?

In order to test for precisely this possibility, we used the NHES survey data to create a civic participation scale, and ran a multiple-variable regression analysis, controlling for differences in education, income, age, race, family structure, region, and the number of hours per week that parents work. The results, using even this conservative statistical test, confirm the findings presented above. Namely, Catholic schoolers, other Christian schoolers, and home schoolers (but not nonreligious private schoolers) are significantly more likely than public schoolers to participate in public life through a broad array of civic activities—even when we statistically remove the possible effects of seven other potentially related social factors. In other words, there appears to be something particular about religious private schooling and home schooling in and of themselves that increases families' participation in mostly non-school-related civic activities in the public square.

Why should this be? Fully answering that question will require much more research, but we may already know enough about the matter to venture at least a preliminary explanation.

Scholars such as James Coleman, Pierre Bourdieu, Robert Putnam, and Pamela Paxton tell us that people's civic participation tends to increase when their lives are tied into networks of relationships characterized by trust and solidarity. These kinds of associational ties form among people the "social capital"—the reciprocal, cooperative, bonding social relations—that helps to foster greater involvement in public life. This may not be the conscious goal of these networks and associations. But they tend to produce this effect nonetheless. This helps to explain at least some of the differences in civic participation among different types of schooling families. For the associations and practices of private schooling often create denser relational networks of greater solidarity and shared moral culture than those of public schooling.

Take home schooling, for example. Of all types of nonpublic education, home schooling as a practice—by so closely uniting home, family, education, and (usually) religious faith—might seem the most privatized and isolated from the concerns of the public sphere. But in fact, most home schoolers are not at all isolated. Indeed, most are embedded in dense relational networks of home schooling families; participate in local, state, regional, and national home schooling organizations; and engage in a variety of community activities and programs that serve the education of their children. Home schooling families meet together at playgrounds; frequent local libraries, museums, and zoos; organize drama productions, science projects, and art workshops; enroll their kids in YMCA soccer and swimming classes; organize home school association picnics and cookouts; and much more. Home schooling families also frequent home education conferences and seminars; pay close attention to education-related legislative issues; share political information with each other; and educate themselves about relevant legal concerns. Far from being privatized and isolated, home schooling families are typically very well networked and quite civically active.

Of course, some people do not like the purpose of home schoolers' networking and activism. But that objection is an altogether different matter than the one at hand. Presumably a broader array of involvements in public life are of civic value for democracy than those that support a liberal or pro-public school

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agenda. The relevant fact here is that social capital generates the civic participation that strengthens public life, whether or not this is the primary intentional goal of the association—social capital simply has this unintended effect.

Private schoolers do more than network, though. They also frequently generate and sustain *shared moral cultures* that facilitate social solidarity and trust. This too generates social capital.

Compare this situation with the reality of contemporary public schooling. Years ago, public schools served as institutional expressions of local community identities and cultures. But public schools and the experiences of families that use them have been radically transformed by decades of increased geographical mobility and social transience; educational centralization, standardization, and professionalization; federal government intervention; economic integration and globalization; and the imperialism of the market.

No longer principally centers of local community identity and moral order, public schools have increasingly become impersonal state bureaucracies supplying standardized schooling services to potentially anonymous taxpaying consumers. Public school parents need not know one another to receive the services public schools offer. Nor do they need to share a common moral culture. Indeed, contemporary public schools are by law intentionally "neutral" spaces that, in keeping with liberal political theory, exclude the particularities of distinct moral and religious traditions in favor of a standardized secular perspective. Shared particularistic moral cultures are not only awkward and potentially contentious in public schools, they are by definition prohibited. Yet we know that associations which lack the collective solidarity and trust that shared moral cultures engender fail to form for their participants the social capital that fosters participation in civic life. And partly for this reason public schooling families are consistently the least civically active of all of our schooling types.

By contrast, private Catholic schools, other Christian schools, home schools, and even nonreligious private schools are much more likely to be based upon particularistic religious, moral, and other normatively committed traditions that embed their participating families in shared moral cultures that foster social solidarity and trust. Despite contemporary society's widespread transience and market penetration of social life, private schools manage nevertheless to draw groups of families together around shared, fundamental, normative worldviews. And this, as we have seen, in turn fosters among private schoolers levels of broad civic participation significantly greater than those of public schooling families. In this way, committed religious and moral particularity appears more capable of sustaining a vibrant common American public life than secular liberalism's purported neutrality regarding visions of the good life and society.

All of this has implications for broader debates among liberals, communitarians, and others about just what kind of society we ought to be working to form. Liberal political theorists contend that a just society is one in which the particularistic moral perspectives of the diverse communities that comprise it are excluded from debate in the public square. Instead, people should only employ justifications in their arguments in public life that all participants in the debate will find acceptable—which for liberals inevitably means *secular* justifications. Thus, people should be obliged to restrain themselves from bringing into the public square arguments grounded in the authorities of their own particularistic traditions, religious or otherwise. In a liberal society, the public square must be secular and "neutral" as to particular visions of "the good," and its citizens must leave behind the particularistic commitments and traditions that form their identities and viewpoints (or at least must be ready to reformulate them into secular language).

Communitarian theorists argue by contrast that liberalism's unencumbered selves are nothing but theoretical fictions; that stripping certain citizens and communities of their moral particularities fundamentally violates their identities and moral reasoning; that not all participants in public debate in fact find secular justifications for arguments acceptable, so that this requirement simply functions imperialistically to privilege secular moral reasoning over others; and, finally, that no society can avoid specifying and embracing substantive public notions of virtue and goodness. These are compelling critiques. Yet communitarianism—as Michael Walzer and others have noted—often ends up then characterizing society as if it were or should be one whole community of citizens whose shared virtues undergird a strong civic republic (see, for example, Walzer's "A Community of Communities," in Anita Allen and Milton Ragan's *Debating Democracy's Discontent*, Oxford University Press, 1998). And this communitarian vision itself tends to gloss over the very real and very distinctive identities, traditions, and communities that communitarians claim liberal theory fails adequately to acknowledge and embrace.

An alternative to both liberalism's secular "neutrality" and communitarianism's holistic civic republicanism is the structural pluralist conception of society as, in Walzer's words, "a community of communities, a nation of nationalities, a social union of social unions." This vision fully acknowledges and accepts *in public life* the many real and distinctive social communities of people whose lives are fundamentally formed by particularistic moral traditions

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that mold unique social identities. Particularistic communities and their members are, in this approach, recognized and allowed to live out their social lives and to contribute to the common good in terms of who they actually *are*—instead of being required either to strip themselves of their basic identities and commitments before entering the public square, or to affirm as ultimate the substantive virtues that all members of the one civic republic share.

In the field of education, structural pluralism would affirm the necessity of public *funding* of education, but would allow for institutional pluralism in the *provision* of education. Communities of parents would be allowed to form distinctively Catholic, Protestant, Jewish, Muslim, secular humanist, or other schools (or home education associations) whose curricula and practices would respect and reflect the fundamental worldviews and intellectual and moral traditions of the families involved. At the same time, all students in all schools and associations would engage a common core curriculum, established by the state in consultation with the relevant communities, ensuring a common baseline education for all citizens. This, many Americans might be surprised to know, is precisely the way public education has been structured for most of this century in the Netherlands, and very successfully at that.

Rather than fostering social conflict, this structural pluralist approach actually tends to allay social conflict by allowing communities and their people legitimately to live out in public life their distinctive beliefs and practices. By contrast, it is in fact our own current winner-take-all situation of a uniform public educational "neutrality" that represents, in the words of University of Massachusetts-Amherst legal scholar Stephen Arons, a "short route to chaos." Furthermore, our empirical evidence on the civic involvement of different kinds of schooling families affords no reason to think that loosening the secular state's monopoly on the provision of public education will privatize and isolate Americans or diminish their participation in civic life. If anything, such changes promise the opposite effect.

The American public, state legislatures, major metropolitan school districts, and state and federal courts are becoming every year more friendly to the ideas of school choice, tuition vouchers, home schooling, and other innovative educational initiatives that challenge the monopoly of government-provided public schooling. Increasingly, we as a society see that it is not only possible but also perhaps more just and effective to separate in our thinking and policy making the state's essential public funding of education from an exclusive state provision of education. This fundamental shift in thinking raises a number of very important questions about equity and integration that require careful public deliberation and decision making.

One of these critical questions concerns the practical effects on our common public life of changing the rules of the education game to allow the public funding of private and home schooling. Will moves in this direction erode America's shared civic culture? Will this undermine civic participation by encouraging further social fragmentation along religious and other ideological fault lines? Will private schooling and home education foster the kind of privatization that so many cultural critics now warn so strongly against?

Whatever else can be said for and against private schooling and home education, the one thing our empirical findings make clear is that neither of them foster the kind of social privatization and isolation that diminish people's participation in civic affairs. The empirical evidence is clear and decisive: private schoolers and home schoolers are considerably more civically involved in the public square than are public schoolers—even when the effects of differences in education, income, and other related factors are removed from the equation. Indeed, we have reason to believe that the organizations and practices involved in private and home schooling in themselves tend to foster public participation in civic affairs. If so, then we have nothing to fear, at least on this score, about embracing school choice, tuition vouchers, home schooling, and related educational innovations. These things will not encourage privatization and widespread withdrawal from public life. Rather, if anything, the challenges, responsibilities, and practices that private schooling and home education normally entail for their participants may actually help reinvigorate America's civic culture and the participation of her citizens in the public square. FT

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Controversial Engagements

Michael Novak

On March 19, 1998, the young social historian Eugene McCarraher delivered a portion of his doctoral thesis as a lecture at the Cushwa Center of the University of Notre Dame. His subject was Michael Novak, "The Technopolitan Catholic." Though the lecture was highly critical of Novak's work, especially after his "rightward turn," it also stressed the continuities in his thought. The Cushwa Center invited Novak to respond the following autumn, and on October 6, 1998, he delivered an account of his career from which the following article was adapted.

— The Editors

I

I was born in Johnstown, Pennsylvania, in 1933, and lived briefly in two other cities in western Pennsylvania towns, (Jimmy Stewart's) Indiana and (Andy Warhol's) McKeesport. At fourteen, I entered the Little Seminary on the campus of Notre Dame University for my high school years, graduating in 1951. From there I went to the novitiate of the Fathers of the Holy Cross in North Dartmouth, Massachusetts, took simple vows, completed my undergraduate degree in philosophy and English literature, and was sent to Rome for theological studies. After two happy years I nonetheless began to believe that my vocation was as a layman. My superiors advised me not to make so weighty a decision on foreign soil, and brought me back to Washington to complete my theological studies at Catholic University. After eighteen months of great darkness but also inner peace, I became certain that I should not be a priest.

Thus, in early January 1960, after twelve years in religious life, having had a profound experience of religious and intellectual community, I found myself in a garret apartment in New York City working on the manuscript of a novel. I had one hundred dollars that my father had given me, plus a determination not to go to work at any job except writing. I was budgeted at $35 a week (rent took $10), and so I had three weeks to find the next check. Luckily, an assignment for a book review or an article kept arriving each month. The manuscript I was working on was not my first novel, but in June of 1960 Doubleday accepted this one for publication. The advance seemed to me a fortune. I believe it was $600, with a matching check when I would hand in the completed manuscript.

Meanwhile, I had also applied to graduate schools for further study in philosophy; naively, I sent applications only to Yale and Harvard. Yale offered me tuition but Harvard added a supplement for living expenses. I preferred Harvard for other reasons, and was there for election night of 1960 and inauguration day of 1961 when in the Law School dining room, surprised by tears gathering in my eyes, I watched on television as John F. Kennedy was sworn in as the first Catholic President. I had sent in drafts of speeches to his campaign, copies of speeches I had prepared for a young lawyer running for Congress in northern New Jersey, including one on "The New Frontier." The Democratic pols in Newark had mocked my speech when my candidate started giving it, but once JFK used the theme in his acceptance speech at the convention they said it was brilliant.

In the spring of 1961, Robert Silvers of *Harper's* asked me to write the article on religion for an issue on universities to appear that fall. That article, "God in the Colleges," though it caused a lot of discussion, left my professors at Harvard not at all pleased. It was reprinted several times in various New Left publications a few years later, since in some ways it anticipated the Port Huron Statement (the founding document of the New Left) in 1964. What I wrote in that article—about the death of humanism under the onslaught of the Enlightenment—has been a permanent theme of my work, and I have reprinted that

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essay in later books in 1964 and 1994. These are its closing lines:

> "God is dead. . . . What are these churches if they are not the tombs and sepulchers of God?" Nietzsche asked. But much of Western humanism is dead too. Men do not wander under the silent stars, listen to the wind, learn to know themselves, question, "Where am I going? Why am I here?" They leave aside the mysteries of contingency and transitoriness for the certainties of research, production, consumption. So that it is nearly possible to say: "Man is dead.... What are these buildings, these tunnels, these roads, if they are not the tombs and sepulchers of man?"

The greatest event of my Harvard years was meeting my wife, a painter who was then teaching at Carleton College in Minnesota, an Iowan herself, who had studied with Kokoshka in Austria and Lasansky at Iowa City. She came to Boston to paint for a year during her sabbatical, and despite serious competition from two lawyers I prevailed upon her to marry me. We took part of our honeymoon as a working autumn in Rome for the Second Vatican Council, beginning from late August 1963 until mid-January of 1964.

In late November I unexpectedly received a contract for *The Open Church*—an existing contract that the *Time* correspondent could not fulfill. Taking Lord Acton's report on the First Vatican Council in 1870 as my model, I wrote with great intensity for the seven weeks that the contract allowed me after the Council closed in early December. It was a bitterly cold winter, and the marble rooms in our pensione had no central heating. Wearing gloves to grip my pen (for revisions) and my dictating machine (for reporting speeches at the Council), I kept as many as three secretaries busy—one transcribing dictation, one deciphering my handwriting for typing, and the third typing the revised versions of the work of the preceding day. Although I was supposed to be studying for my comprehensive exams at Harvard, I nonetheless completed the manuscript by the January 18 deadline.

My second nonfiction book, which was also published in 1964, was a collection of essays called *A New Generation: American and Catholic*. In it I laid out my dissatisfactions with the various philosophies of the Enlightenment that had been my diet at Harvard, and announced my intention to pick up and develop the ancient and more capacious pragmatism and empiricism of Aristotle and Aquinas. I declared that in solving the crucial problems of Americans and Catholics in America, one needs "a consistent point of view, [one that is] empirical, pragmatic, realistic, and Christian." To this day, I think I have been faithful to that vision.

Although I have published versions of this story before, certain persistent misreadings of my intellectual biography make it seem judicious to give a short account of a half-dozen of the main continuities, the undergirding, of my intellectual life these past fifty years, before turning to those areas where my thoughts have changed significantly.

II

Most Americans seem to believe that every single human life has value and worth. But, I wondered from the beginning, is that really true? Is that how hurricanes, cancer, Hitler, and communism have treated human beings? During my lifetime, nearly one hundred million persons have died by violence, making life seem cheap. When I was eleven years old I saw the first movie reels from Auschwitz. What if this planet is as empty of meaning as it sometimes seems? I was struck very deeply by this at least apparent meaninglessness, and I took very seriously the challenge of Albert Camus that any philosophy of the future, any ethic, must originate within it, or risk not being credible. To build a new civilization on the ashes of Auschwitz would take much hard thought.

Most of my colleagues and friends didn't share my problem. It is not that I didn't believe. My faith never flagged. It was only that I felt nothing, I was empty, and I could not see how to answer the problems put by Auschwitz—and by explicit nihilists, including defenders of Hitler and Stalin, not to mention by nice atheists like some of my professors at Harvard.

Some of my friends could say with Pascal, "The heart has its reasons which the reason knows not of." Others could say: "Faith is a leap; you just have to let go and leap." In my case, I have known my own heart to have many bad reasons, and to be a great deceiver. So I didn't like these two existentialist dodges. Regarding the first, I admire but I don't quite trust "reasons of the heart." Regarding the second, I appreciate why others are content with a "leap" of faith, but it has always seemed to me that creatures blessed with the sort of minds God gave us should be able to give a better account of the why of our faith than that.

In other words, even accepting the Christian account on its own terms, we should from within it be able to find the way out of meaninglessness. We should be able to take in the worst this century has had to offer, and show why it is reasonable to find God also in that. I put the emphasis on *reasonable.* Many people I have talked to over the years think that that is asking too much. But if God really does want the worship of free men standing erect (and He does), then that much we have to achieve. *Fides quaeret intellectum.*

The second continuity in my work has been an experience of the dark region wherein God dwells. God is best understood to be *caritas*, a dark and terri-

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ble form of realism best symbolized by the Cross on which He willed his Son to die. God is best understood to be Love, but not in the types of love associated with the English word "love." Latin has at least five words for love—*amor, affectus, dilectio, amicitia, caritas*—and then the Greek *agape* adds a nuance, as do certain Hebrew words such as the one we usually render "compassion" but which more literally means "moved to the very bowels." Even when we cannot see God, we can turn our wills and intellects toward Him, aim them like arrows bound to fall short, and in effect say *Fiat*. The fundamental prayer to God is only one word, in the teeth of any storm: yes. Ivan Karamazov swore he could never say that. Not in a world in which so many children go to sleep in tears and alone.

The greatest continuity in my work is this affirmation that the basic energy, power, and force in creation is *caritas*. In this otherwise vast and possibly empty series of silent galaxies, the Creator made humans in order to have at least one creature able freely to respond to Him—either with love or not. *Caritas* is the one energy that matters. In it, we are first related, before we are solitary. We first receive, before we act on our own. We are first empowered, before we take responsibility for our own acts. We are first endowed, before we have rights. In all these things, all humans are linked together. Creatures depend. That is the great "intuition of being" that Jacques Maritain talked about.

In 1979 I gave a lecture at Notre Dame I have never forgotten—not, at least, the reaction of the audience. It was my first public defense of capitalism. In that context, I began with the presence of *caritas* within all of us. "Through the work of our minds and hands," I said,

> the life of the triune God expresses its own love and truth and healing power, not all at once, imperfectly and in the darkness, but yet effectively. We build up the social institutions by which human history is slowly, very slowly, transformed into God's own image. As our God is triune—a communal God—so is our vocation communal.

I gave the lecture at a conference occasioned by a Declaration by Chicago Laypersons fourteen years after Vatican II on the continuing neglect of the laity in the Church. After setting forth my theological vision of the action of the Trinity in this world, and on the need to reconstruct the social order, I spoke of the need to transform our approach by grasping capitalism's *religious* possibilities. The capitalist system, after all, was the system in which most Notre Dame graduates would work. There could not be a realistic theology of the laity, or theology of work, without a theology of capitalism. When the lecture period adjourned for dinner, no one would speak to me. I had violated an important Catholic taboo. Those last few moments of that lecture—the capitalism part—admittedly marked a great discontinuity in my work. And that meant, of course, that I had excommunicated myself from the Catholic left.

The third most important continuity in my work is the theme that supplies the philosophical root that unites the first two themes: our unlimited, unquenchable drive to ask questions, the eros of inquiry. This is the organ of our appetite for transcendence, the point in us where our union with the communion of persons of the Trinity is joined, like two fires becoming one. We do not see God, but we thirst for Him. We seek Him. Our relentless drive to inquire is present in every act of our awareness. Thus, in every act, the transcendence of God is present to us (by reverse image, as it were). Furthermore, to pursue this unlimited drive within us is the best way to discover the multiple aspects of our duty on earth to build up the Kingdom of truth, liberty, justice, and love. The light that emanates from this drive to understand suffuses all we do. Issuing in *caritas*, it is the dominant dynamic of civilization.

A fourth crucial continuity is my emphasis on the incarnational dimension in theology. Some Catholics commit their lives to an eschatological witness, some to an incarnational witness. The former (Thomas Merton, Dorothy Day) believe that the world is sinful, broken, even adversarial, and they choose to light within it the fire of the love of God, while having as little to do with the things of this world as they can. Those who choose the incarnational witness try to see in every moment of history, in every culture, and in every place and time the workings of divine grace, often in ways that are hidden like the workings of yeast buried in dough. And they lend their energies to altering that world in its basic institutions, even if ever so slightly, in the direction of *caritas*. Both traditions are legitimate.

Early in my life, as I will recount later, I was sorely tempted by the witness of Dorothy Day and by Baroness de Hueck with her Friendship Houses, and even by the Benedictines. I was also drawn toward becoming a missionary. Yet I gradually realized that my own vocation lay in working in the world, in intellectual life, preferably in environments in which Catholics were few. Early in this pursuit I inclined toward a vocation in political action. By 1968, teaching in Cuernavaca, Mexico, that summer with Peter Berger, I came to see that economics was an even more neglected field in Catholic thought. By about 1976, I at last recognized that a capitalist system was not in fact what I had been taught it was; that no system is, in practice, more likely to raise the poor out of poverty than capitalism; and that capitalism is a necessary (but not sufficient) condition for democracy. I began to see that grace works also in economics.

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Thus, it slowly dawned on me that, just as Jacques Maritain had recognized in American political institutions the yeast of the Gospels working in history, so also Max Weber had dimly seen that the original impulses of capitalism spring from Christianity, too. These impulses had been systematically neglected by economists, who had abandoned religious and even philosophical considerations in order to model their discipline on the physical sciences. In this way, economists had lost sight of the spirit of capitalism, and neglected the human habits on which its survival depends. Simultaneously, nearly all theologians had become as adversarial toward capitalism and business as Europe's aristocrats were; they looked down upon economic activities as vulgar and crass, if not evil. In other words, I came to see the need for a reconstruction of the world's understanding of capitalism and, beyond that, a reconstruction of capitalism's realities.

We need to think of capitalism in a larger and deeper way than the economists and business schools typically think of it. We need to think of it in a Catholic way. This is what Pope John Paul II does in *Centesimus Annus*. He describes the business corporation as a community that is a model for truths Christianity has always attempted to teach about the human person and community.

Note, however, that the underlying continuity I am stressing here is theological. I am stressing the incarnational emphasis in general, not my particular judgment about capitalism. Whatever the present model of political economy, it will not measure up to the height and depth of the Kingdom of God. It will always be inadequate. The city of man will never be the city of God.

Just the same, it is important that there be Christians who go out into this city, whatever its stage of moral and religious development, and try to incarnate the Gospels in it as Jesus incarnated God in history. No doubt, this will often enough be by the way of the Cross and rejection, as it was for Jesus. But it is only thus that great Christian civilizations have been reared in the past. In any case, the "liberal popes" from whom we learned so much—for that is how scholars in my youth described the social teaching of Leo XIII, Pius XI, and Pius XII—called millions of us precisely to this task of "reconstructing the social order."

In my earlier years, I thought the best model for this reconstruction lay in a blend of democracy with some form of socialism. Later, I came to believe that socialism in any of its forms would be futile and destructive. I saw greater hope in a more realistic effort to reform and reconstruct society through the unique combination of capitalism and democracy that we have been lucky enough to inherit in America. But my point, to repeat, is that my own strategic vision, which is incarnational rather than eschatological, has been constant throughout my life.

The fifth continuity—related to the incarnational theme just mentioned—is a sense of the importance to Christian thought of the body, the flesh, the senses. No other religion promises the resurrection of the body. No other is so lavish in its evocations of the senses, as a holiday Mass in St. Peter's Basilica dramatizes. Catholicism, G. K. Chesterton once wrote, is a thick steak, a glass of stout, and a good cigar. He wrote this not because he was a materialist, or blind to wit and spirit, but because turning away from the body weakens our grasp of the Incarnation. That is why an important theme of the Catholic Renaissance during the past hundred years has been a recovery of the theology of the body. In the Catholic America of my youth, this recovery was badly needed. One saw it in renewed emphasis on poetry, fiction, sound, smell, and texture. One saw it especially in the early liturgical renewal. I felt it keenly in my own struggles to learn the craft of fiction.

The sixth fundamental theme in my work has been "intelligent subjectivity." By this concept, beginning with *Belief and Unbelief*, I have always protected the role of the tacit, the inarticulable, the well-ordered senses and passions and emotions and heart at the very center of our acts of insight and judgment. But I have also tried to show how these are, properly, acts of reason.

Some critics mistakenly read my use of "intelligent" and "rational" as if my intellectual roots were utilitarian, post-Cartesian, and merely concerned with skill or *techne*. In fact, my primary concern has been that "knowledge by connaturality," that "wisdom," which my parents exemplified for me, and which Jacques Maritain and Michael Polanyi first taught me how to express. To make myself understood at Harvard on these matters, then a bastion of Quinean logic where Maritain and Polanyi were rejected (or simply disregarded), I needed to spell out the working of a form of "subjectivity" that is intelligent, reasonable, and empirically present in every act of reasoned judgment. That was the main effort of *Belief and Unbelief*, *The Experience of Nothingness*, and *Ascent of the Mountain, Flight of the Dove*.

These six continuities—and there are others—are plainly interrelated. Every one of my books had a place in the journey whose route I announced in *A New Generation* in 1964, and I have never deviated from it. I do admit plenty of errors, oversights, hasty judgments, and wrong turns. According to Winston Churchill, consistency is like a helmsman in a small boat amid thirty-foot waves; the only way to keep going is to lean hard first to one side, then to the other. That is not inconsistency. That is prudent sailing. Whatever the storms of my time, from Auschwitz to Vietnam, from the fall of the Berlin Wall to welfare reform, this particular Michael has always hoped, in the end, to row his boat ashore.

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III

The great discontinuity in my life occurred when I decided, from much evidence, that the economic and social thought of the left which I had long supported—working for John F. Kennedy, Eugene McCarthy, Robert Kennedy, George McGovern, and Henry "Scoop" Jackson—was turning out, despite our good intentions, to be injurious to the poor of the world, including the poor among whom I had grown up in Johnstown during the 1930s. It was my rule—inculcated in me by my father—never to forget where I had come from and who my family was. But I owe a lot, as well, to my "second family," the Congregation of the Holy Cross.

I can hardly give enough credit to the Holy Cross seminaries for what they taught me between 1947 and 1959 about *caritas*, the drive to understand, and an incarnational humanism. There my soul became in a sense a child of France. I learned to love the Jacques Maritain of *Integral Humanism*, François Mauriac, and Albert Camus. From the French I learned the desire to write both philosophy and fiction. I also began an intense study of the life and work of St. Thérèse of Lisieux.

St. Thérèse (1873-1897) is *the* teacher of the Church about the everyday exercise of *caritas*, in ways so humble that they mostly cannot be seen, even though their effects may be subjected to the tests of the gospel. She taught me the importance of thinking small and honoring the humble things that I at first tended to despise. For the theology of the laity and the theology of work and the theology of daily institutional life, her work has been described—by no less an authority than Hans Urs von Balthasar—as revolutionary.

The influence of Thérèse is most often visible in my work when I refer to the transformation that St. Thomas Aquinas wrought in Aristotle's philosophy of human action. Aristotle organized his thought around the conception of *phronesis* or practical wisdom; Aquinas saw the potential in this concept to support a new mode of *caritas*. This transformation shapes the horizon within which I placed the work of Reinhold Niebuhr, on whom I had intended to do my doctoral thesis at Harvard. (I wrote and published *Belief and Unbelief* instead, to clear away a conceptual obstacle to understanding the theology of the person and community, by way of "intelligent subjectivity.")

By 1965, I had accepted an assistant professorship at Stanford—the first Catholic ever to be hired in the religion department—and my duties and purposes there took my writing in more practical directions. I attempted to read every word that Maritain and Niebuhr had written, including as much of their occasional journalism as I could lay my hands on. How they applied their vision to the practicalities of lay life in the world interested me greatly, but so did their theoretical framework.

As mentioned above, early on in my life, mainly through the subscription to the *Catholic Worker* that my father brought into our home, my heroes were Dorothy Day, Baroness de Hueck, and (later) Michael Harrington. While I was at Catholic University (1958-59), the radical writings of the sociologist Paul Hanly Furfey were added to these influences. Nonetheless, I hesitated about declaring myself a democratic socialist or social democrat, because I was unclear about the implications of that allegiance. I resolved to study economics more carefully, and to clarify in my mind questions about poverty and wealth, economic development and religion. I devoured Weber, Tawney, Fanfani and others, as well as magazines such as *Dissent*. I thought it morally correct and religiously satisfying to be something of a socialist and a tart critic of capitalism. I tried hard.

It was during my years at Harvard, 1960-1965, that I first heard the term "WASP," and had to ask its meaning. At the Divinity School, I learned how loftily "mainline" Christians looked down on the vast majority of evangelicals in America. When Billy Graham came to lecture, most went to jeer (at Harvard this means making dry jokes), although some said later he did much better than expected.

One exception to the general climate was James Luther Adams, a great defender of what others at Harvard referred to as "the garbage bin of the Reformation," the Anabaptists and all the free churches that sprang from them, who eventually became the largest number of Protestants in America. Adams held that the free churches, more than any other social movement, taught America the practice of association that Tocqueville later described as "the first law of democracy." Leo XIII had won the sobriquet "the pope of associations," and this link to an entire world of Protestantism, a world I had never before clearly distinguished in my own mind from the Philadelphia-New England "mainline," gave me a new conceptual tool. From then on, the principle of association became a golden thread in my analysis of society, democracy, capitalism, welfare policy, and civil society. It is at the heart of my conception of the open society and the open church.

The theology of *caritas*, the Catholic tradition of personalism and community, and now the principle of association—all these helped me to break the horizon of left-wing socialism in which I had been formed. "A Catholic boy like you has to be a Democrat," our high school advisor, Father Peverada, had told me in the fall of 1948, when he caught me making counterarguments in favor of Thomas E. Dewey. (I have always been, in discussions, a counterarguer. My friends purposefully used to advance arguments they had first learned from me, in order to trap me into arguing against my earlier self—and I always fell for their deception.) Similarly, I remember Mari-

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tain writing about wanting always to be "a man of the left." (Though in France, "right," and therefore "left," mean something very different from anything in America.) Paul Tillich added that "Any serious Christian must be a socialist." Practically everyone concurred. It took me many years to begin questioning this magnetic pull, and to figure out whence its power came.

When I found myself questioning my own left-wing commitments, which had been somewhat influential in the "radicalization" of other liberals, I was frightened. I thought something must be wrong with me. As Kathie McHale Mulherin noted in *Commonweal*, my turn to the radical left in politics was a matter of intellectual conviction, against my own conservative temperament; she had been my research assistant and watched it happen. Her comment surprised me when it appeared, but I came to admit that she was right. The radicals, temperamentally, were not my sort of people. When they said "power to the people," the last thing they meant was the workers of Joliet and Johnstown, the white ethnics of Mayor Daley's Chicago, or the Moral Majority. They did not have the good of my Uncle Emil in mind.

I need to say a word about Uncle Emil. He was my father's oldest half-brother, by an earlier marriage of my grandfather. He was a big, rough, hearty man who was missing one whole finger and part of another from accidents in the steel mill, and his language was goodhearted, loud, punctuated by laughter, and not at all suited for Sunday School. He made his own wine. His Slovak was as rough as his English. Around his humble frame house, which even then seemed like an antique in a mining town, he grew hollyhocks and a grape arbor, of exactly the sort I was later to see in Slovak mountain villages in the Tatra mountains whence our family came to America about 1885. He was a boisterous supporter of FDR, the Democrats, and the unions. In all my memories, Emil seems to be in a sleeveless T-shirt, although I must have seen him squeezed uncomfortably into a suit, shirt, and tie at one or another funeral or wedding.

Somewhere along the line at Harvard, I got the idea of submitting every generalization I heard about "the Americans" to a test: Did that sentence fit my Uncle Emil? For instance, 1968 newpaper reports that "Catholic ethnics support Wallace." I could agree that Emil might have admired the guts of George Wallace in his presidential run in 1968, when Wallace took on the "pointy-headed liberals." But I am certain that the Wallace crack about "running over protestors" would have disgusted Emil; and compared to Wallace, Hubert Humphrey was the proven union man. Humphrey was Emil's kind of Democrat. Many political writers and sociologists, in those days, seemed not to know of Uncle Emil. They confused him with the migrants from the South who migrated north into the mills, and did support Wallace. Ethnicity confused them.

In the autumn of 1970, I took a leave of absence from Stanford to accept an invitation from Sargent Shriver during his campaign to elect Democrats to Congress around the country. We visited some thirty-nine states, and spent nearly every day from August through November on the road. Years later I wrote that by election day,

> I had a far better grasp of the diverse neighborhoods of America than I had ever had before. I had seen at first hand the true significance of ethnicity and localism in American life. . . . Words that I had written about the American majority—complacently drinking beer in front of television—in *Toward a Theology of Radical Politics* now made shame color my cheeks. I met the American people in the flesh; my literary imagination had been calumnious. But this had not been my vision only. In rejecting it, I was rejecting the leftist vision of America (or Amerika), the anti-Americanism so common among my intellectual colleagues.

This thought weighed on me as time passed. I saw many analyses of American politics and social needs go wildly wrong about the actual texture of American social reality, and decided I must write *The Rise of the Unmeltable Ethnics* (1972, 1996). Later, I followed up with an account of a crucial but almost totally neglected union struggle among Slavic miners in eastern Pennsylvania, *The Guns of Lattimer* (1978, 1996). It remains my ambition to tell the story of my grandfather's immigration and the great Johnstown flood of 1889, which took more lives than the battle of Gettysburg.

There is one minor continuity in my work that I should mention here. In every period of my life, I have come back to the "gap" in our society between the intellectuals and the people. I make a sharp distinction between two halves of the American elite: those who choose to support the growth of a larger, supposedly more compassionate state, and those who choose, because it is actually better for the poor, to support the growth of the private sector. I define "elite," roughly, as the top 20 percent of the population as sorted out by three measures: income, years of education, and professional status. Since World War II, about half of this elite has found a new route to power, wealth, prestige, and influence through the promotion of a larger, more activist state. The others see a better route for themselves and the country through the promotion of a limited state, and a larger, more compassionate civil society. I call the first of these "the new class" and the second "the old elite." It is good for America to have a divided elite, of roughly equal size, so that the two elites check and balance each other. In terms of political economy, the new

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class tends to favor the political solution, while the old elite tends to favor the free economy, a reformed welfare state (toward which we have begun to move), and a civil society with the state "off its back."

Once I started criticizing the errors of the left, I was en route to becoming a "neoconservative," a term that I at first hated. The term was invented as a sign of excommunication by the Catholic socialist (and my good friend) Michael Harrington. Harrington, who began with the *Catholic Worker,* committed himself to the left; he became a socialist in the way that some people become Catholic. Socialism became his religion, not only his politics. He meant the term to signify a way of life, a horizon, a way of seeing things, an ethos, an ethic, a dream, an ideal goal. He called those of us who were beginning to question the premises of his faith "neo," to suggest "pseudo" or "imitation," and he called us "conservatives," knowing full well the judgment of Louis Hartz and Lionel Trilling that "there is no conservative intellectual tradition in America." For a socialist to call someone a conservative is the meanest name he can think of. It means outside the moral pale—greedy, money-grubbing, narrow-minded, bigoted, troglodytic—you get the picture.

Breaking ranks with the left is a phenomenon that deserves its own study. I lost the company of formerly good friends, received some letters from friends who severed all contact with me or pleaded with me not to continue in my horrible mistake. I had articles returned from magazines that had once begged me to write for them, and watched hostile and ad hominem reviews replace the glowing notices of just a short time earlier. But this has been a common experience among ex-leftists; some had it far worse. I took comfort from noting that Paul Johnson had just made the same break with the socialist left in England, and Irving Kristol and Norman Podhoretz had done so in New York. There seemed to be a growing band of us: "We few, we happy few!" (The literature on, by, and about neoconservatives is by now quite extensive.)

What we had in common was a past on the far left —not necessarily at the Communist extreme, but well to the radical side of Arthur Schlesinger's "vital center"—and a powerful intellectual conviction that the left was wrong about virtually every big issue of our time: the Soviet Union, the North Vietnamese regime, economics, welfare, race, and moral questions such as abortion, amnesty, acid, and the sexual revolution.

In my experience, people join the left out of idealism. Once they see through the deceptions of the left, and break with its powerful set of internal controls, including censorship, they come to hate it. One must fight this hatred in oneself, and try hard to remember how one fell for the left because of one's own uncritical ideals. What defectors come to hate in the left is its pervasive lack of honesty—the constant use of euphemism and linguistic deception (in public, socialists call themselves liberals and liberals call themselves moderates), its black-and-white vision of the world, its intolerance of any questions about its own principles.

It has been said before that a neoconservative is a radical who has begun to understand economics. In studying economics, one begins to grasp why socialism cannot possibly work in practice, and why it is especially damaging to the poor. In the days of my left-wing idealism, I thought the left would help the poor. I favored the War on Poverty. But then I watched what actually happened: A 600 percent increase in births out of wedlock (especially among the poor), a 600 percent increase in violent crime (especially among the poor). Once you begin to judge the fruits of programs inspired by a socialist analysis of social reality, not as dreams but as realities, disillusion begins. I watched the most liberal city in America, New York, slide into social and financial bankruptcy, becoming less civilized and more dangerous with every year that passed. I watched North Vietnam after the war was over, and noted what happened in the prison camps and reeducation centers, and wondered where now were my friends from the antiwar days who once said they cared so much about the Vietnamese people.

Nonetheless, the great intellectual utility of being a leftist, a utility I at first missed, is that you have a clear compass for interpreting every day's events: If x undermines business, corporations, and capitalism, x is good. If x strengthens the central state, x is good. Using this template, you can detect instantly what the proper "progressive" line is. For cultural critics and journalists, as well as activists, having such a template is a great advantage. In cases of serious doubt, you have only to wait for your favorite left-wing journal to put out the correct line.

Well, you can see why my first articles reflecting a fundamental change of mind on political and economic matters seriously disturbed my former friends. Some were accustomed to looking to me to see where the progressive line lay; in the past, I had sometimes seen it before others. They were used to regarding me as one of their minor leaders. Then, in about 1976, I published two quite tentative articles, but only after I had estimated the probable incoming fire. One was called "A Closet Capitalist Confesses," in which I expressed shame that I could no longer, try as I might, desire to be a socialist. I couldn't find, anywhere in the world, one single example of socialism that worked in practice, in a form that I could admire. Even when I pulled photos of Sweden out of my desk drawer, I wrote, Sweden no longer held any attraction for me. Neither did Cuba. Nor any other of the romantic options held out by the left. I didn't even admire the British health service.

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My wife didn't want me to announce this disgrace in public, but I had to be honest: Once I thought about it, it was clear to me that capitalism had been better for my Uncle Emil and other poor folks than what had befallen those in our family who were still in the Slovak Socialist Paradise or had migrated anywhere else on earth.

The other article, at greater length, was not yet ready to become positive about capitalism, but its title announced its thesis well enough: "Capitalism, An Underpraised and Undervalued System." I did not renounce my former criticisms of many aspects of capitalist reality. Admittedly, it *is* a bad system, except, as Churchill noted about democracy, that all other known systems are worse.

When an intelligent person loses his or her confidence in socialism, what he or she most misses is the North Star it placed in the sky, its guidance system. Once you stop believing, you feel the ideological vacuum keenly, and recognize its moral hazard. Never again do you want anything else so totalistic to take its place. Irving Kristol in his book *On the Democratic Idea in America* argued that the American experiment, rooted in Aristotelian prudence and a sense of human fallibility and evil, is a bracing corrective to the ideological and utopian thinking of Europe. Hannah Arendt and others have pointed out that the American experiment is the most intellectually neglected social reality. Nowadays, almost no one grasps its originality or can articulate its specific moral vision, its table of virtues. The American tradition teaches a modest and humble way of thinking, close to earth, anti-utopian. It is also internally conflicted. Its tendencies toward liberty are at war with its tendencies toward a broad egalitarianism. To begin explaining this *novus ordo seclorum*, my first neoconservative book properly so called was *The American Vision* (1978).

By the late 1970s, I realized that it is worse for the poor of America (and around the world) to rely upon the state and to pin its main hopes on political measures. And it is better for the poor of America and the world to support a limited state, in which the conditions are favorable to the growth of business (especially small business), and to prefer opportunity rather than handouts from the state. Characteristically, neoconservatives favor the welfare state for those really unable to care for themselves, but try to break the corrupting bond between the central state and the welfare function. There are better ways to provide welfare than what we have constructed since 1965. About the specifics of such matters, persons of good will can argue long into the night. Politics is about argument.

In brief, my conversion from a mildly socialist way of viewing reality to a more distinctively American (that is, enterprising) way did not occur all at once. I can't quite determine whether foreign or domestic experiences generated my first doubts about the leftism I effortlessly acquired with an excellent education. After all, for at least a century the humanities have been anticapitalist for traditionalist reasons, and the social sciences have been anticapitalist for socialist reasons. Against the pressures of my education, one experience after another during the 1970s made me a Reagan Democrat even before Reagan became President. In fact, a set of themes I articulated in an article in 1978 about why I still remained a Democrat, even while moving away from statism in my principles, was field-tested by Richard Wirthlin and adopted by Ronald Reagan as his election slogan: work, family, neighborhood, peace, strength.

The collapse of communism between 1989 and 1991 persuaded even many of its former adherents of the failure of socialism. As the people of the world gradually learned the condition of the mass of people under the Soviet Union, they learned what Gorbachev had already admitted: Under a first-world military establishment, the USSR hid a third-world economy. Socialism was a fraud. This did not surprise those of us who had learned from Hayek and von Mises why socialist economics is irrational and unworkable, and from Leo XIII why a socialist anthropology is both evil and futile.

Let me return, in closing, to the theological development, the "open church," that corresponds most closely to my developing appreciation of America.

The "open church," like Karl Popper's "open society," is utterly different from the idealized "secular city" (which even Harvey Cox has now disowned). Its dynamism springs from a fidelity to the drive to understand, in all its workings throughout human life. The gospel is best preached when it uses this dynamism, since here the divine purpose in creation and in history works its way out.

My book *The Open Church* was a report, both journalistic and theological, on the second and most crucial session of the Second Vatican Council, where the nature of the Church was the focus. Unlike the secular city, this open church has a vicar of Christ as its visible head, the Pope, and a highly visible body of bishops around the world in communion with the Pope. The open church, therefore, does not lack a center and a hierarchy and a visible symbol of worldwide communion. Its reason for being is to form a community around the Eucharist and the Word of God. Against the widespread urges to tamper with doctrine in the years since the Council, the criterion of the open church is analogous to that of the open society, as described by Karl Popper: the falsification principle. New proposals must be submitted to rigorous tests.

The Second Vatican Council took care to preserve an important check-and-balance. The bishops in collegiality, including the Bishop of Rome, are the au-

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thenticating body of last resort—yet with an important twist. Even all the bishops of the world together, if without the Pope, do not suffice for authentication. The Pope must concur. On other occasions, he is bound to teach and confirm the brethren, even when alone. All are bound by the Word of God as held by the whole Church at other times and places. No mere majority vote suffices.

In writing *The Open Church*, I did not foresee such an exemplary Pope as John Paul II. I did not foresee most of the things that would happen between 1968 and 1999. But I did suggest that they would be ironic, and that at the conclusion of the Council the jesters of the Roman fountains would be laughing at yet another generation passing through that eternal city, with high and unrealistic hopes. "All things human," was the inscription on the fly leaf of that book, "given enough time, go badly." The progressives who have dominated the American Catholic Church since that time have not yet drawn up a realistic accounting of their own failures.

A future generation may find it hard to believe that so many theologians of his time failed to see the greatness of Pope John Paul II, and the precious gifts he gave the open church. During the darkest years he helped throw the Polish church open to all comers—believers and unbelievers—for intensely vital civil discussions. He encouraged associations of all sorts to press forward with their work. The Polish church met in factories, in homes, in the private quarters of professors. There were underground newspapers, theaters, printing presses, universities, catechetical centers, liturgies. There was little that I imagined in *The Open Church* that Archbishop Wojtyla did not try.

It gives me no small pleasure when I look back at my life of battles and controversies to find that, at least intellectually, I have ended up trying to further the great work of Karol Wojtyla. FT

The Branch

(from the beginning Alpha
unto the all-consuming Omega)
shall be
        beautiful and glorious,
the Branch
shall be
        excellent and comely

from a rod out of the stem
of Jesse, and
            righteousness grown up
unto David,

and Its leave-
            ing the garden
of Gethsemane

wherefrom transplanted upon
the Golgotha Hill,
shall make
of Its and its limbs
                a trancept
to silhouette the twilight Friday sky
for all the world to Know
thus saith the Lord

: "I am the Vine"

and I ponder, ever in my heart
why my Son must
still be so

tied to the Tree . . .

Carl Winderl

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Dante: A Party of One

Robert Hollander

Rarely has a writer left a more indelible mark—and under less favoring circumstances—than Dante Alighieri (1265-1321). His major work is considered one of the crowning achievements of human expression. It lives even today, nearly seven hundred years after its making, as one of the two or three greatest poems ever written. Its author was born in Florence into a family of minor nobility, Guelph in its political alignment and thus siding with the popes in the city's political tensions (as opposed to Ghibellines, at the time mainly banished from Florence, who favored the imperial cause). The struggle between the two largest political forces in medieval Europe (a struggle delineated in Robert Louis Wilken's essay on Gregory VII, FT, January) had not abated in Dante's time.

Dante was significantly involved in politics, eventually holding office as one of Florence's six Priors in 1300. Within a year, perhaps after an encounter with Pope Boniface VIII in 1301—Dante may have been part of a political mission to the Holy See—he was sent into exile when an opposing Guelph faction in Florence took over the city. Refusing the humiliating compromises offered by his enemies, Dante saw his exile eventually become permanent. After 1302 he never again entered his native city, at that time one of the most wealthy, beautiful, and important urban centers in the Western world. The exile was a difficult period, and we know little of his itinerary around northern Italy during the last twenty years of his life. He enjoyed two lengthy sojourns at the court of the Scaligeri, in Verona (ca. 1303-06 and 1312-18). Upon his return from a political mission to Venice on behalf of that city's ruler, he died in Ravenna of malarial fever in September 1321.

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If his life seems fairly unremarkable except for the bitterness of the exile and of his unfulfilled political hopes, it resulted in an overpowering single work, the *Comedy* (which was not known as *The Divine Comedy* until 1555, an apt editorial intervention that has remained with the poem to this day). His earlier literary activity is also of considerable interest. Perhaps as early as 1293 he had composed a work called *Vita nuova* ("New Life"), in which he assembled thirty-one poems written during the previous ten years, many of which celebrated a woman named Beatrice. There is still some debate as to the actuality of this "relationship," which in the telling seems to have been totally devoid of sexual concourse, no matter how defined. Suffice it to say that the pretext of the work is that the miraculous woman it celebrates was a flesh-and-blood Florentine woman. What is most remarkable about *Vita nuova* is that it contrives, in ways that remain securely on the side of calculated understatement, to make the reader understand that Dante's lady is to be understood as directly, and miraculously, related to the physical and noumenal presence of Christ. Beatrice is a "nine," he once explains, because the root of nine is three and that is the number of the Holy Trinity. While the poems themselves may on occasion hint at this equation, the prose, which controls them and our understanding of them, eventually serves to release a secret: loving Beatrice was his way of finding Christ in his "new life" (a phrase that can hardly fail to bring to mind Paul's frequent insistence on our conversion from the old way of being to the new). The figure of Beatrice was probably derived indirectly from the life of St. Francis, who was thought to have offered his followers as close an approximation of an experience of the nearness of Jesus as anyone since apostolic times had ever felt.

Vita nuova is the first work in the history of Western writing to take the form of commentary on one's own poems. In Dante's startling decision to frame the

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work in this manner, we find the demon of experiment that always drove him. Indeed, *De vulgari Eloquentia* (Concerning Eloquence in the Vernacular), one of the two succeeding unfinished works that he began while in exile, begins by claiming, rather presumptuously but altogether accurately, that no one had ever before written about the rules governing writing in the vernacular. It was written in Latin, but argued that vernacular poetry, which had only begun in Italy 150 years before with the poems of St. Francis, was worthy of all the consideration previously bestowed on Latin alone. This polemical analysis was in Latin because Dante knew that to beat those who exalted Latin, and scorned all who wrote in the "vulgar" Italian, he had to join them—at least when composing a work on such a subject.

At about the same time (ca. 1304-1307) Dante also completed the first four books of what was to have been a fifteen-book encyclopedic treatise, written in the vernacular, on the nature of philosophizing. Called *Il Convivio* ("The Banquet"), it takes the *Consolation of Philosophy* of Boethius as its model. Although at the conclusion of *Vita nuova* Dante had promised to write still more about Beatrice, in *Convivio* he has a new and "allegorical" beloved, the Lady Philosophy.

Convivio, like *Vita nuova*, is cast in the form of commentary on poems by its author. The poems in this case were *canzoni*, or odes, long lyrics of considerable artifice, which in *De vulgari Eloquentia* Dante claimed to be the highest possible literary form in the vernacular, lofty ("tragic" is Dante's word for this) and serious. The fifteen "treatises" (*trattati*) of the work, after an introductory treatise that was to function as introduction to the whole, were each to comment on a *canzone*. The first two of the three succeeding treatises that Dante completed deal with his new love, Philosophy. Dante says that he sought "silver" (consolation) after the death of Beatrice but found "gold" instead in the counsels of philosophy, a "lady" better suited to the more mature man that he now was. These two unfinished works both contravene *Vita nuova*'s celebration of Beatrice as the most valuable teacher of a fully charitable love that the writer could know. It is thus understandable that the *Comedy*, which presents Beatrice as giving essential meaning to Dante's life and work, in turn contradicts things said in the two abandoned texts, while essentially presenting *Vita nuova* as a necessary and praiseworthy beginning.

The fourth and last treatise of *Convivio* that Dante completed moves in more political directions. Although a Guelph by family ties, early disposition, and Florentine political allegiances, Dante in this treatise turns in the direction of empire. He addresses the question of Rome and its authority as imperial seat. The question is presented as part of a larger discussion on the nature of philosophical and imperial authority, yet it is clear that the imperial part of the argument is not necessary to its main thrust, as a result standing out all the more. This matter will resurface in the first and second cantos of *Inferno*, where state and church are seen as equally important, and then as the central concern of his later essay, *Monarchia*.

Monarchia is one of Dante's few forays into explicitly political concerns. Written in Latin to guarantee the readership of the "cultural elite" he intends to engage, probably around 1317, it offers a ringing attack upon the hierocratic position so urgently put forward by many after Pope Gregory VII. According to Dante, God created Rome to be the imperial leader of the secular world. Dante's concept of "monarchy" (synonymous with "empire") as a current possibility, however, exists only as an ideal. Except for its Roman model, it refers to few precise past and no existing temporal states, but to the divinely sanctioned secular government of all Europe that should be the essential ordering force of human affairs in this world.

Its status as ideal rather than actual, however, hardly dampens Dante's enthusiasm for the concept. The three questions that he addresses are as follows: 1) Is monarchy necessary to the well-being of the world? 2) Did the Roman people take on the office of the monarch by right? 3) Does the monarch's authority derive immediately from God or from some (mediating) minister or vicar? The "correct" answers, over against defenders of the pope's absolute authority, are "Yes," "Yes," and "Immediately from God." Of all Dante's works, this one got him into the deepest difficulty with the Church. In its own day, or shortly thereafter, it incurred the wrath of the Dominican Guido Vernani, who, in 1327, wrote a vitriolic but essentially convincing attack (*De reprobatione Monarchiae*) on its logical procedures. *Monarchia* was burned in public at least once, in 1329. It was placed on the Index in 1554, and remained prohibited until 1881.

Dante's politics in *Monarchia*, it is important to note, are more based in theology than one might expect. For him, Rome under Caesar Augustus, at the "fullness of time" when Christ chose to be born, was given the task of guiding all temporal efforts. It was thus a "universal monarchy." Dante seems to have envisioned a revived empire coming in a second "fullness of time" before the Second Coming, in which the empire would again come to rule Europe, as it had done properly only once after the era of the Caesars, under Charlemagne. This millenarian view, never stated bluntly but informing the entire work (and the *Comedy*, too, in the eyes of this reader), is completely unauthorized by Church teaching, yet it was central to Dante's political vision. The empire is God's creation, but is totally independent of the papacy, and owes the pope no fealty except (and the exception is significant) in matters

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of the emperor's own salvation.

This is not to say that Dante wanted to regress to the situation that preceded Gregory or to roll back Gregory's reforms. In the eleventh century Dante would probably have been almost as incensed about imperial intervention in the affairs of the Church—at least in the abstract—as he was in the fourteenth about papal intervention in affairs of state. Dante, for all his urgent attacks on papal prerogatives, did not want to see the papacy leave Italy. The *Comedy* contains vibrant calls for the papacy to return to Rome from Avignon, where Clement V had moved it in 1305. Had Dante been as anti-papal as some maintain, he would never have voiced such sentiment. He was, after all, not a Protestant, not even *avant la lettre*, as some would style him. At the end of *Monarchia*, Dante admits that the prince is in some respect subject to the pontiff, since earthly happiness is in some way (*quodammodo*) ordered toward immortal happiness. This is less a retraction than a necessary concluding gesture, aligning the responsibilites of the two great institutions.

Dante's political thought had moved from an early Guelph allegiance, reflecting the views of his intimates, to an essentially Ghibelline one. Yet his belief in the empire was always under the aegis of his belief in God. It is no accident that perhaps the chief representative of the Ghibellines in the *Comedy* is Farinata degli Uberti, whom we meet in the company of other heretics in *Inferno* X. For Dante, Ghibellinism without God promises the certain spiritual failure of those who give themselves to the political world too enthusiastically. For him, the temptation of that world was always controlled by his Christian faith—or so he would often suggest. Such a political view found few to share it. And thus, as he puts it in his own ancestor's words, he became a "*parte per te stesso*" (a party of yourself alone) [*Par.* XVII, 69].

It is important in this respect to note the dangers of taking the *Comedy* as a sort of *summa* of medieval thought. While one cannot deny that it at least appears to engage almost every subject that seized the imagination of the day, it is also true that to take Dante as *the* voice of late medieval Christendom is to fail to observe his heterodoxy and, one should add, his genius. Perhaps Dante's strategic advantage lay in his ability to be completely himself, unworried should he oppose generally held beliefs, while also presenting his own ideas as though they were normative. A reader of the *Comedy* unversed in medieval debates and unaware of Dante's idiosyncratic notions about them is easily persuaded that this work indeed represents the late middle ages *in nuce*. In fact, Dante finds something to quarrel with in the positions put forward by almost every recognized authority, even those he respects the most, from Aristotle (whom he honors perhaps more than any other thinker) to Aquinas (with whom he fights mainly friendly but nonetheless frequent little battles).

The *Comedy* was probably composed between 1307 and 1321. We can only begin to imagine how its germinal idea was conceived. It probably took no more than an instant for Cervantes to have the simple, fruitful idea that produced *Don Quixote*: take a middle-aged, down-at-the-heels landowner, fill his brain with the entire tradition of chivalric romance, and then have him ride forth into the world as a knight errant. In the case of Dante's *Comedy*, we likely read the result of a similar sudden inspiration, one based on a perhaps even less promising pretext: take a not-very-successful (though respected), soon-to-be-exiled civic leader and poet, and send him off to the afterworld for a week.

We shall never know what brought the work to life in Dante's mind, his first awareness of a plan. But we can see how largely the *Comedy* departs from his previous work, despite its thematic and stylistic links to his literary past. *Vita nuova*, *De vulgari Eloquentia*, and *Convivio* all put prose to the service of controlling and explaining verse. The *Comedy* sticks to verse. And almost everything about it is new.

To begin with, the *Comedy*'s verse form (*terza rima*) is an innovation. "Loosing and binding," in the words of Erich Auerbach, its rhyme scheme (aba bcb cdc . . . yzyz) is ideal for propelling a rhymed narrative. No one had written in the form before Dante. Perhaps surprisingly, no later writers of epic in Italian (e.g., Boiardo, Ariosto, Tasso) would follow him.

Dante calls each of the one hundred divisions of the work a "canto," or "song." This word in this context is so singular and foreign that many early commentators didn't "get it," and referred to the *canti* as "chapters," a more usual and perhaps more dignified way to indicate the parts of a "serious" whole. Dante's word seems to reflect epic precedents (Virgil too was a "singer": "*Arma virumque cano*," begins the *Aeneid*) as well as his pride in his own vernacular. In addition, the word he eventually chooses for the three large divisions of the poem, *Inferno*, *Purgatorio*, and *Paradiso*—*cantica*—had never been used for such a purpose before him. Its resonance with the Canticle of Canticles is probably not coincidental.

The choice of guide is dramatic and challenging: Virgil, the greatest of the Latin poets (for Dante and many contemporary judges). What is a pagan, damned to Limbo forever for his lack of faith, doing as guide in a Christian poem? This was a bold decision. As has frequently been pointed out, Virgil's example was seminal for many aspects of Dante's poetic strategies in the *Comedy*: to write a poem that prominently features a visit to the underworld (Dante could not read Homer's texts, though he did know of them, which explains why he can behave as though Virgil were uniquely qualified to serve as his model); that celebrates the Roman concept of political order as exemplified in the empire; and that is narrated by a poet who has been lent prophetic powers.

In addition, and perhaps most importantly, Virgil

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was a poet who wrote poetry as history, and Dante followed this example as well. As the work of Ulrich Leo demonstrated some years ago, Dante had been rereading the texts of Virgil and the other Latin writers of "epic" (Statius, Lucan, and Ovid) as he was finishing the fourth and last book of *Convivio*. We can say, then, that Dante chose Virgil as his guide because Virgil *was* his guide. Dante seems to be indicating that rereading the pagan Virgil redirected his attention to his good beginning as the Christian poet of Beatrice, the role to which he now returns in the *Comedy*.

Before Dante no one had dared to write a poem that claimed for itself revealed truth. And one can understand why. The question of the veracity of the *Comedy*'s narrative is never far from its readers' attention. In the first invocation of the poem (*Inf.* II, 7), the poet asks for the aid of the Muses (the rules of grammar and rhetoric?) and of *alto ingegno* ("lofty genius"—either, somewhat implausibly, the poet's own capacities, or, more probably but also rather disconcertingly, that of a higher Power). What follows immediately is a claim (and not an "invocation") for the ability of the poet's memory to set forth an exact record of his week-long visionary journey: "*O mente, che scrivesti ciò ch'io vidi / qui si parrà la tua nobilitate*" (O memory, that set down what I saw, here shall your worth be shown—II, 8-9). Dante here seems to acknowledge his need for two kinds of external assistance, that conferred by what one can learn about poetic discourse (figures of speech, rhetorical devices, rhymes, etc.), and that conferred by God so that the poet can conceive the meaning of his experience.

Dante's claims for the absolute veracity of the *Comedy* offend, one might say, only two classes of reader: believers and nonbelievers. In ways that would have deeply surprised and troubled St. Thomas, Dante assumed for himself the ability to write his poem using the same procedures that interpreters like Thomas believed God employed in dictating Scripture. This tactic provides one of the continuing debates in Dante criticism. To this day there is controversy over whether Dante actually wrote the "Letter to Cangrande," whose author overtly claims that he wrote the *Comedy* making use of the four senses of Scripture, almost exactly as these are defined by St. Thomas near the beginning of the *Summa* (I, i, 10). Even if Dante did not write the epistle, the techniques of signifying in the poem nevertheless centrally reflect "God's way of writing."

From Dante's first insistence that what is narrated as having occurred is to be treated as having actually occurred, it is clear he does not actually expect us to believe that the journey really took place. He does want us, though, to pay particular attention to the fact that he has claimed that it did. Here lies the central difference between the *Comedy* and more "standard" medieval allegorical visions (e.g., the *Roman de la Rose*, Brunetto Latini's *Tesoretto*). Take the moment in *Inferno* XVI when Dante stakes the credibility of his entire *comedía* on his having seen the fabulous monster Geryon. In such moments, we may sense that the poet realizes that his reader will not grant for an instant that such things really have occurred, but will recognize the reason for which the poet must make the outrageous claim. Dante does not want his poem categorized as a mere fiction, like those castigated by Aquinas and other theologians who held that poets are in effect liars and have little to say that is epistemologically valid.

In *Inferno* XXIX, Dante emphasizes this point by comparing counterfeiters, victims of a plague-like ailment in their eternal damnation, to those plague victims on the island of Aegina described by Ovid, who were replaced by "ant-people"—"*secondo che i poeti hanno per fermo*" (as the poets hold for certain). That dig in Ovid's ribs—no one will (or should) believe what a lying poet tells—is a risky and amusing joke between us and Dante. For at heart we know that his sinners, as he portrays them, are as "fictive" as Ovid's Myrmidons. Dante takes on Thomas' objections by claiming total veracity for his poem as he smilingly capitulates to them: he is, after all, only another lying poet, but one who nonetheless claims to tell "the truth," and indeed literal truth.

There are, to be sure, several moments in which he seems altogether serious about the truth claims made for his vision. Yet his careful (and often amusing) undercutting of their full impact makes the poem's readers far more comfortable than they would be were such passages not present. They allow the poem to be utterly serious when its author wants it to be (one cannot imagine such playfulness being allowed in the climactic visions of *Paradiso* XXXIII), and they allow readers to think that Dante is at least as sane as they are. Dante, while as stern a moralizing poet as one is likely to find, is a surprisingly restrained visionary.

A final example of his witty playfulness about his role as prophetic seer is worth noting. In describing the six wings adorning each of the four biblical beasts representing the authors of the Gospels in *Purgatorio* XXIX, Dante assures us that their wings were six in number (Ezekiel's cherubic creatures had only four [1:6]), that is, as many as are found in John's description of the same creatures (Revelation 4:8). Verse 105 puts this in an arresting way: "*Giovanni è meco e da lui si diparte*" (John sides with me, departing from him). No one but Dante would have made this statement in this way. "Here I follow John" would have been a more acceptable gesture for a poet to use in guaranteeing the truthfulness of his narrative. Not for Dante. Since the pretext of the poem is that he indeed saw all that he recounts as having seen, that experience, in good Thomistic procedure, is prior—he knows this by his senses. And so John is *his* witness, and not vice versa. It is an extraordinary moment.

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Nothing is more difficult for one who teaches this poem to students than to convince them that all of the damned souls, no matter how attractively they present their own cases, are to be seen as justly damned. The poem creates some of its drama from the tension that exists between the narrator's view of events (in *Inferno* often represented by Virgil's interpretive remarks) and that of the protagonist. What makes our task as readers difficult is that at some pivotal moments neither the narrator nor Virgil offers clear moral judgments. Instead, Dante uses irony to undercut the alluring words of sinners who present themselves as victims rather than as perpetrators of outrage in the eyes of God. Guido da Pisa's gloss (to *Inf.* XX, 28-30) puts the matter succinctly: "But the suffering of the damned should move no one to compassion, as the Bible attests. And the reason for this is that the time for mercy is here in this world, while in the world to come there is time only for justice."

If it was John Milton's task in *Paradise Lost* to "justify the ways of God to men," Dante before him had taken on the responsibility of showing that all that is found in this world and in the next is measured by justice. Everything in God is just; only in the mortal world of sin and death do we find injustice. And it is small wonder that Dante believes there are only few living in his time who will find salvation (*Par.* XXXII, 25-27). Words for "justice" and "just" recur frequently in the poem, the noun some thirty-five times, the adjective some thirty-six. If one were asked to epitomize the central concern of the *Comedy* in a single word, "justice" might represent the best choice.

In the *Inferno* we see this insistence on God's justness from the opening lines describing Hell proper, the inscription over the gate of Hell (III, 4): "*Giustizia mosse il mio alto fattore*" (Justice moved my maker on high). If God is just, there can be absolutely no question concerning the justness of his judgments. All who are condemned to Hell are justly condemned. Thus, when the protagonist feels pity for some of the damned, we are meant to realize that he is at fault for doing so. This is perhaps the most crucial test of us as readers that the poem offers. If we sympathize with the damned, we follow a bad example. In such a view, the protagonist's at times harsh reaction to various sinners, e.g., Filippo Argenti (canto VIII), Pope Nicholas III (canto XIX), Bocca degli Abati (canto XXXII), is not (even if it seems so to some contemporary readers) a sign of his falling into sinful attitudes himself, but proof of his righteous indignation as he learns to hate sin.

If some readers think that the protagonist is occasionally too zealous in his reactions to sinners, far more are of the opinion that his sympathetic responses to others correspond to those that we ourselves may legitimately feel. To be sure, Francesca da Rimini (canto V) is portrayed more sympathetically than Thaïs (canto XVIII), Ulysses (canto XXVI) than Mosca dei Lamberti (canto XXVIII), etc. Yet it also seems to some readers that Dante's treatment of Francesca, Ulysses, and others asks us to put the question of damnation to one side, leaving us to admire their most pleasing human traits in a moral vacuum, as it were.

It is probably better to understand that we are never authorized by the poem to embrace such a view. If we are struck by Francesca's courteous speech, we note that she is also in the habit of blaming others for her own difficulties; if we admire Farinata's magnanimity, we also note that his soul contains no room for God; if we are wrung by Pier delle Vigne's piteous narrative, we also consider that he has totally abandoned his allegiance to God for his belief in the power of his emperor; if we are moved by Brunetto Latini's devotion to his pupil, we become aware that his view of Dante's earthly mission has little of religion in it; if we are swept up in enthusiasm for the noble vigor of Ulysses, we eventually understand that he is maniacally egotistical; if we weep for Ugolino's piteous paternal feelings, we finally understand that he, too, was centrally (and damnably) concerned with himself, even at the expense of his children.

Dante's innovative but risky technique was to trust us, his readers, with the responsibility for seizing upon the details in the narratives told by these sympathetic sinners in order to condemn them on the evidence that issues from their own mouths. It was indeed, as we can see from the many readers who fail to take note of this evidence, a perilous decision for him to have made. Yet we are given at least two clear indicators of the attitude that should be ours. Twice in *Inferno* figures from Heaven descend into Hell to further God's purpose in sending Dante on his mission. Virgil tells of the coming of Beatrice to Limbo. She tells him, in no uncertain terms, that she feels nothing for the tribulations of the damned and cannot be harmed in any way by them or by the destructive agents of the place that contains them (*Inf.* II, 88-93). All she longs to do is to return to her seat in Paradise (*Inf.* II, 71). And when the angelic intercessor arrives to open the gates of Dis, slammed shut by the rebellious angels against Virgil, we are told that this benign presence has absolutely no interest in the situation of the damned or even of the living Dante. All he desires is to complete his mission and be done with such things (*Inf.* IX, 88, 100-103).

Such indicators should point us in the right direction. It is a continuing monument, both to the complexity of Dante's poem and to some readers' desire to turn it into a less morally determined text than it ultimately is, that so many of us have such difficulty wrestling with its moral implications. This is not to say that the poem is less because of its complexity, but precisely the opposite. Its greatness is reflected in its rich and full realization of the complicated nature of human behavior and of the difficulty of moral

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judgment for living mortals. It asks us to learn, as does the protagonist, as we proceed.

One tradition of deathbed utterance has it that Calderón's last words were, "Dante, why were you so difficult?" Whether or not the anecdote is true, the lament is a fitting one. We might choose a different version of this question: "Dante, why were you so good?" His extraordinary gifts as poet—and these are the most salient aspects of what he has left behind—enable him to reach everyone who loves to watch or hear language do everything it can do. In this he is like Homer and Shakespeare. And, like them, he enjoys some of this power even when he is translated. He has the further ability to enter the hearts of nearly everyone: "Monarchists" read him their way; "Papists," theirs.

For some conservative Catholics he is the authentic voice of the medieval Church; for many liberal atheists he is an authentic voice of human suffering and hope. Each of us reads his own Dante, and admires what he reads. How would Dante react, come back to experience it, to all our fuss over him? It seems reasonable to believe that, first of all, he would be pleased with the extraordinary amount of attention his work continues to gather. The poet who, with unbelievable boldness in *Inferno* IV, had made himself one of the six major poets between antiquity and his own day (Homer, Virgil, Horace, Ovid, Lucan, . . . Dante), now looks modest, in the world's estimation; he has eclipsed, for most readers, all but Homer.

But then do we not imagine hearing him complain, over and over, about how badly we now read him? Even posthumously he probably would consider that he had ended up what he had said he was in his political endeavors: "a party of one." FT

If His Were the Only Tree

in the Garden
if they must forthwith still
taste of some tree
in search

of knowledge of

good
and evil, then let
them eat of my Son

the Fruit of the tree of Jesse
from whom He depends, ever
for their desire

because

He let Himself be hung there
as if out to dry
so that they
might later partake
of His dehydrated body
and
His unleavened blood
so as to have

the Knowledge

of Whom
it thenceforth hath been said
He is

the Apple of His Father's eye

Carl Winderl

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Government as Judgment

Oliver O'Donovan

The democracies that emerged victorious from the Second World War tried to entrench human rights as a defense against the cruel politics of power. In so doing, however, they created a major problem of self-understanding, a cleft running deep through the heart of democratic theory. Democracy and human rights are not identical things, so it is necessary to ask whether they can coexist. It seems that the answer depends on two contingent factors: how the democratic societies conduct themselves, and what rights human beings assert. You cannot champion "democracy and human rights" without quite quickly having to decide which takes precedence between them; and since either of those terms, and not just one of them, may from time to time be used as a cloak for self-interest and tyranny, there is no universally correct answer. That is the underlying problem of coherence in contemporary Western ideology.

My interest here, however, lies not with that problem, but with one deriving from it, a constitutional problem about the judicial review of legislation, "legislation by courts" as it is often alleged to be, which in the service of human or civil rights deprives lawmaking of democratic accountability. In terms of U.S. constitutional theory, this problem is often addressed as a shift in the traditional relation between the legislative and judicial branches of government, as readers of this journal may be aware. But I hope it may be useful for a British commentator to point out that the constitutional form which the question takes here is not the only possible form. Similar difficulties confront European societies with other constitutional traditions. The constitution of the Republic of Ireland, for example, has acquired the shape of a baggy Aran sweater, full of detailed amendments that would never belong in such a document except to countermand decisions of the Supreme Court. Even the constitution of the United Kingdom, boasting a radical centralization of authority in parliament, meets the same problem through its adherence to the European Convention on Human Rights, with its attendant Commission and Court.

It is natural to suppose that the solution lies in recovering early-modern doctrines about the separation of three powers of government. These doctrines derive ultimately from the fourteenth-century Italian thinker, Marsilius of Padua, who distinguished the Legislator, which was the people itself or its representatives, from those who implemented the laws against domestic threats, on the one hand, and against external threats, on the other. But there is a difficulty with this approach, namely that on the all-important point early-modern thinkers achieved no stable consensus to which we may appeal.

Within a fifty-year period at the turn of the eighteenth century, there emerged two ways in which political philosophers defended the separation of powers—one put forth by Locke, the other by Montesquieu. Both claimed to base their observations on the best English practice; both affirmed three distinct powers of government (though only Montesquieu used the modern names and only Locke actually used the word "separate"). Yet they are very different. In Locke the greatest point of "separation" is still between the originating legislature on the one hand and the two consequential branches on the other. These branches are not so distinct from one another, since they must, Locke thought, rest in the same hands (so saving the face of the British monarchy). But Montesquieu articulated something like the familiar three-leaved shamrock pattern, with an equal distance separating each of the branches from the other two. He also demanded that separation

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should be concrete, the different branches of government in the hands of different people. From these two perspectives, which provided matrices for later British and U.S. constitutional practice respectively, the causes of our current problem and its likely solutions will appear quite different. Going back to early-modern sources, then, leaves us with the problem of which sources to go back to.

Christian thinkers, moreover, have their own reasons for not being content with this approach. They have a long theological tradition, partly forgotten, in which judicial and legislative activities are related quite differently. They, at least, should ask whether the root of the problem lies not in recent neglect of early-modern theory, but in early-modern neglect of the yet earlier Christian understanding. So, at any rate, I propose to argue. What the Christian tradition maintained, and the early modern thinkers denied, was a *primacy of the act of judgment*. And this primacy entailed a distinctive understanding of the task of legislation, which explains more satisfactorily than early-modern theory the nature and scope of the legislator's authority over courts. First, then, I shall sketch the history of premodern Christian thought on the subject, secondly suggest how it supports a better account of the branches of government, and finally return briefly to our problem, the right and limits of judicial review of legislation.

I

Jesus has ascended in triumph to God's right hand; yet the subdued "authorities" of this age, St. Paul held, "persist" (Romans 13:6) in order to approve good conduct and "to execute God's wrath on the wrongdoer." According to Paul, then, the reign of Christ in heaven left civil authorities with exactly one task: that of judging between innocent and guilty. We should observe that this was an unprecedentedly lean doctrine of civil government. Judgment alone never comprised the whole of what ancient peoples, least of all the Jews, thought government was about. Paul's conception stripped government of its representative, identity-conferring functions, and said nothing about law. He conceded, as it were, the least possible function that would account for its place within God's plan.

In later centuries it was Latin-speaking Western Christendom that adhered most radically to Paul's conception. "Jurisdiction" was the term that came to define that ever-fascinating and difficult relation between church and state. Courts were the central locus of government, for church and for kingdom. Here human government differed from that of God, notably (for our purposes) in that God is a legislator as well as judge. His law provides human judges with a sufficient basis for their judgments, and the Latin Church fathers were frankly suspicious of human attempts to add to it. "The term 'rights,'" Augustine says, "cannot be applied to the inequitable constitutions of men." What rulers do when they act obediently to their vocation is to apply divine law to the infinite possibilities of human wrongdoing.

In Eastern Christendom we notice a difference of emphasis. Here the way was beaten for the church by the greatest Jewish thinker of the classical world, Philo of Alexandria (c. 20 B.C.-50 A.D.). For Philo, Jewish social existence was conceived partly in contrast with, partly in correspondence to, the political experience of a Greek city-state, constituted by the work of a "legislator" (*nomothetês*). Lawgiving in the Hellenistic world was thought of as *foundation*, the creation of a polis by the creation of a distinctive corpus of law. As Lycurgus was to Sparta and Solon to Athens, so, according to Philo, was Moses to the Jewish *politeia*, though he was unique in that he was directly inspired by the Logos or Reason of God. Also taken over from Hellenistic commonplace about government was the conception that Moses was *empsuchos nomos*, a "living law." The Christian Clement, a fellow-citizen of Alexandria, followed Philo's lead gladly. Now the lawgiver was Christ, the Logos himself, whom Moses had uniquely anticipated and represented.

Yet this did not really lead Greek-speaking Christians in a different direction from the Latin-speaking West. The tendency of Hellenistic Christendom to allow a direct analogy between Christ the Logos and earthly rulers is notorious. But even when that analogy was most developed, as in Eusebius' panegyric on Constantine, there was no hint that Christ's role as lawgiver could be transferred to the earthly ruler. Law was a feature of all earthly government, but governments merely kept the law rather than made it. In the East, too, then, the subject of *human* lawmaking is still passed over in silence. The term *nomothetês* and its cognates is hardly ever applied to the emperor by theologians, though in secular writing it was common. And in 530, when Justinian acceded to the imperial throne in Byzantium, a work of exhortation addressed to him by a theologian insisted, among other things, on his being *subject to* law, but contained virtually no acknowledgment that his task would include *making* law.

That this is not at all the situation among the thinkers of the high Middle Ages is due to two influences, of whom Justinian himself, at a remove, was one. Because of his codification of civil law, Justinian came to be seen as a model for the Christian lawmaker, and the description of human government came to include lawmaking as a dimension. But lawmaking here was not understood simply as legal innovation. Justinian's influence served to dignify above all the task of codification; the term *legis lator*, when it appears in the twelfth century, refers primarily to the early jurists who ordered and systematized the Roman law. Medieval political thought was also

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influenced profoundly by the rediscovery of Aristotle's *Politics* and *Ethics,* which apply the term *nomothetês* not only to the legal founders of city-states, Lycurgus and Solon, but also to political theorists who put forward overarching proposals for social organization. Plato is one of Aristotle's *nomothetai,* and democracy and oligarchy are among his instances of *nomothesia.*

The Justinianic conception can be seen at its most persuasive in St. Thomas' great treatise on law in the *Summa Theologiae.* The structuring of a social order requires, Thomas thinks, not merely *application* of divine law, natural or revealed, but a *lex humana,* a "positive law," which is to *determine* matters otherwise left unresolved. The *ius ponendi leges,* the "right of making law," was the mark of the sovereign prince. Yet still the authority of human lawmakers reposes on divine law, to which human law may never stand in contradiction. So the positive aspect of human lawmaking is safeguarded by a negative proposition, that a law defying natural or revealed divine law has no standing at all.

The influence of Aristotle, on the other hand, is particularly strong in another work attributed to St. Thomas (falsely, I am inclined to think), the variously named *On Kingship, to the King of Cyprus* or *On Princely Rule.* "We must first and principally expound the king's duty," the author tells us, "from the institution of the state or kingdom. . . . The name of Romulus would be unknown today had he not founded Rome." Those words, startling to ears attuned to early medieval political reflections, announce the reappearance of legislation as foundation, the concept which the early church had in effect neutralized by confining it to Moses and Christ. They attest a situation in which there is interest in how new political communities may be brought into being. At this point the line between the Aristotelian revival and the early Renaissance seems very thin.

This is the context in which the modern theory of popular sovereignty first saw the light of day. The role of Marsilius of Padua's *Defensor Pacis* (1325) in articulating this new departure is commonly acknowledged, as is the fact that he drew both on Aristotle and Roman Law in articulating it. Less commented on is Marsilius' startling use of the *term* "legislator," applied to the people as a whole in the sense of "founding-lawgiver." As originating legislator, the populace is the primary authorization for any subsequent form or act of government. Legislation is not one of the things government *does;* it is the constitutive act that *lies behind* all government.

Even so conceived, however, it is ventured only *under* God, who is the author and vindicator of all law. The tradition of "constitutionalism" which arose from Marsilius' new departure understood the founding legislative act as a response to a divinely given law of nature defining the possibilities of political society. It can exist as a power of human government only when authorized by the *primum ius,* the First Right, i.e., God's. So what now comes to be said about legislation as constitutional foundation is formally parallel to what is said about judgment: as we may judge subject to God's judgment, so we may found lawful societies under God's law.

A decisive shift of perspective occurred in the seventeenth century, the effect of which was to make divine law irrelevant to the foundations of political order. The *primum ius* vanished from consideration; the act of human foundation ceased to depend on divine foundation, and began to look like a repetition of it. The sovereign arbitrariness of God's creative decree was taken into the human act of founding a society, so that it looked rather like a creation ex nihilo, presupposing no prior law, no preexisting social rationality, a new beginning, not merely relatively and politically, but absolutely and metaphysically. Legislation thereby became the *foundation of a social rationality.*

In setting out to radicalize the act of human foundation, this change actually destroyed it. The contractarians attempted to answer—without invoking God—the constitutionalists' question about how a civil society could begin. But they could not long conceal a guilty secret: in reproducing the divine legislative act in the political foundation of a human society, they had abolished the moment of beginning altogether. Since it seemed *possible* for human society to replicate the original *fiat lux* of God in constituting itself as a sphere of order, it was *necessary* for it to do so; and if necessary once, necessary again and again. The "beginning" was constantly reenacted, the drama of bringing order out of chaos was the perpetual law of every society's being; and the language of a primitive social contract was unveiled as what on contractarian terms it had to be, a mere thought experiment to show how society works. With the progress of the early-modern era we see the waning of the Renaissance interest in genuinely new foundations (the North Americans were the last people, perhaps, in a position to draw on that legacy), and in its place we find an interest in the possibilities of dissolution and reconstruction within existing societies, an interest in *revolution,* a word that enters the common currency of the West with the events of 1688 in Britain.

This explains the quite innovative place accorded to the legislators by early-modern constitutional theories. As in the Renaissance, legislation is foundational; but *foundation* is no longer *origin,* but rather a continuous spring of rationality that sustains the political society in being. In place of the originating assembly that first *constituted* the political society, the legislature is now a standing branch of government, which lays claim to the sovereignty hitherto held by the Head of Government. In this way early-modern theory fulfills the aspirations of ancient de-

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mocracy; but it does so only indirectly and covertly, since the whole point is, as it never ceases to insist, not the rule of the people but the rule of law. Political society is a lived rationality, of which lawmaking is the source and spring. Since it stands in for the rationality of divine providence, the legislative branch had better not slumber or sleep. An incessant stream of lawmaking is the fundamental proof of its political viability.

Against this background we understand our own late-modern crisis. It is, first of all, born of reaction against this notion of positively legislated rationality, a desire for freedom to assert a right prior to and independent of the "unequal constitutions of men." It responds to a Judeo-Christian impulse. In the postwar documents that express late-modern faith in human rights, the use of quasi-religious concepts is decisive, as in the UN Declaration of Human Rights, which speaks in its preamble of the "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family."

That the problem of autonomous courts should have come to the fore in *this* period, and in the nations most involved in *those* documents, attests the twentieth-century search for a prepolitical moral ground of law. The distinctive features of the U.S. Constitution merely served as a channel for an antipositivist reaction common to our civilization. It is, of course, disappointing that no better alternative should have been found than the fragmented and antisocial notion of "human rights"; but the impulse deserves for all that its due recognition and acknowledgment. Our crisis, however, also attests that we have not in fact succeeded in breaking with the early-modern concept of positively legislated government. Neither we nor our courts have proved capable of forming a clear idea of what it is to recognize a claim of natural right without erecting the courts as counter-legislature, an equal and opposite imitation, and so precipitating the crisis over sovereignty called, in these pages at least, "the judicial usurpation of politics."

II

Let us attempt, then, to reconstruct on the Pauline model, starting from the premise that the defining role of secular government is to exercise judgment. In this case, the *court* is the central paradigm of government—all government, in all its branches.

In Ancient Israel, the simplest model, such as we find in the narratives of David and Solomon and in the Psalms, is that the monarch is a judge who sits in court. "Morning by morning I will destroy all the wicked in the land," he declares according to the psalm, in what is probably a kind of oath of office; thus, daily assizes are the proof of a just king. Ancient Israel also knew, however, that the task of judgment required not only that the monarch sit in court but that he also found courts. Three separate narratives (Exodus 18, Numbers 11, and Deuteronomy 1), each with a slightly differing emphasis, explore the logic of this move in relation to Moses. In Exodus 18, for instance, Jethro persuades Moses that the business pressing on any court is far too great for only one judge to deal with. A unified system of justice, then, requires a tiered system of courts, in which the ruler hears a case only as the last resort. In Deuteronomy the various courts, based on various social identities, are held together by the authority of one law, authenticated by the monarch.

Looked at from one angle, this development logically presages the exclusion of the monarch from the judiciary; for as the court of last resort, the monarch should prefer never to sit, but rather always to act through ministers so as to retain one last throw in his own hand, should it be needed. Yet it also presages a sphere of administrative government in which the monarch still exercises judgment, even though not in court. For to provide a court in which a judge sits is no less an act of judgment than to sit in court himself. He *considers* the situation obtaining, in which those who are wronged lack access to public interest and vindication; he *finds* it wanting; he *redresses* it by inaugurating courts. He does not found the judiciary from outside, as it were, like a businessman founding a University chair without himself being a man of learning. The founding of the judiciary is precisely the founding judicial act. It gives judgment in favor of the oppressed. Not one particular oppressed person in this case, but the oppressed as a class; yet not a universal class, for the ruler does not undertake to remedy the wrongs of all oppressed people everywhere in every age, but a concrete historical class, the oppressed of *this* kingdom at *this* juncture of history. But what can be said about the foundation of courts applies equally to the maintenance of courts, as well. The monarch's duty to keep the courts open, to let "judgment flow like a torrent and vindication like a river in flood," as Amos 5:24 picturesquely puts it, is quite simply a responsibility to exercise conscientious judgment.

What early-modern theorists speak of as "the separation of executive and judiciary" is a distinction, within the single task of giving judgment, between the originating judgment that founds the courts and the dependent judgments that take place in courts. (To avoid both monarchical and republican overtones, let us use the term "the Head of Government" to refer to that part of the government ultimately responsible for maintaining justice.)

At the same time as we stress the judicial matrix of *all* government, however, the differentiation of roles must be allowed due space—not only for the practical reasons that Jethro gave Moses, but because any given instance of wrong may be examined in more than one perspective, more broadly or more narrowly. Faced with a social crisis over drug abuse, for ex-

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ample, we must attend practically to the pressing problem of protecting our young people against the influence of drug-dealers; but we must also attend with impartial minds to the charges of drug-dealing brought against *this* person at *this* time and place. We cannot attend to the second, more focused matter if we are preoccupied by the first. ("If this man is acquitted, what sort of a message will it send out to drug-dealers everywhere?") Both ways of practical attention are acts of judgment; both are particular, i.e., belonging to a definite time and place and situation; but the second way is more limited in scope, because injustice may be committed on a narrow front whenever we try to do justice on a broad front. The public interest in justice is an interest in both levels of justice being pursued, each on its own proper terms. So the government confines itself to policy making, the court is excluded from it.

The Head of Government's business is still *judicial* policy, though. We depend on rulers keeping an eye on courts, just as we depend on their keeping their fingers out of cases. If over a significant period courts prove incapable of convicting terrorist offenders, they, or the law they administer, must be reformed. Government-as-judgment depends on courts performing their task reasonably well most of the time; so that the Head of Government must ensure not only that courts exist but that they function, those two responsibilities being in fact one and the same. Reasonable expedition of legal process, reasonable restraint of legal fees, reasonable rules of procedure over such matters as the admissibility of evidence, use of juries, and so on—all these are the proper concerns of the Head of Government, who is charged with ensuring that justice, not arbitrary whim, prevails in social relations. Legislation is one form the discharge of this responsibility takes.

In the unfolding of the different moments of human government, the judicial moment comes first, the administrative moment second, the legislative third. The mistake in the modern tradition was to place legislation first, following the Hellenistic association of legislation and founding. This supposed that law and legislation, *nomos* and *nomothesia*, were coextensive; without the framework of founding legislation there was no law. The Christian assertion, on the contrary, was that no human creation was ever prior to law, that lawful government never depended upon prior legislation as a precondition. "Civil laws may be silent among arms," says Hugo Grotius, "but not those other laws, which are perpetually in force and appropriate for every season."

In Hebrew the most general word for law, *torah*, meant simply "a decision." It referred to the "ruling" that a priest would give when consulted. In the same way we say that the judge "declares the law" in relation to a case, meaning not that he quotes from lawbooks, but that he announces a decision; "the law of the case" is simply the generic principle applied in the particular judgment. But since each judgment is not separate and discrete but occurs in the context of an institution, the law of each case is discerned in relation to the law of preceding cases; if it is to be justly proportioned, it cannot be wildly out of line with other decisions. No act of judgment, then, simply invents law de novo; that would defeat the purpose of judging, namely, determining what is proportionate to the law of precedent that stands over and behind the present decision and can be appealed to in support or criticism of it. But a law of precedent requires no distinct human legislator. Divine law, natural or revealed, when mediated through traditions of right innate in the society, is sufficient to allow courts to develop a law by way of their own judgments, a conception which our shared English legal tradition names the "common law."

But when the authority of courts is undermined because they operate on principles repugnant to the community's conscience or because their orders are impossible to implement, the responsibility for correcting their law lies with the Head of Government. The legal tradition needs correction. The obligation of the courts to maintain self-consistency makes them reluctant to innovate. But innovation may be required, and that for two causes: first, where tradition has deviated from natural right; secondly, where it is ill-adapted to the practical possibilities within society. These two concerns are often confused, yet they are in principle quite different, moving, as it were, in opposite directions: bringing law closer to the moral norm on the one hand, further from it on the other. Some reforms are idealistic, attempting to correct our vices; some are compromises, making some kind of settlement with them. Either kind of reform may be necessary at one or another juncture, since acts of judgment have to be both truthful and effective. Every change in law aims to squeeze out, as it were, the maximum yield of public truthfulness available within the practical constraints of the times. Sometimes it does it by attempting more, sometimes by attempting less.

The Christian legal tradition took over, gingerly enough, the Hellenistic view which saw the ruler as the *empsuchos nomos*, the "living law." Whereas this had meant originally that the ruler was the *source* of law, in Christian use it was combined with the assertion that the ruler was always under the law, charged, like anyone else, with keeping it. But the ruler "keeps" the law in a different way. He keeps it by ensuring that it is applied and upheld in courts. Furthermore, when the fluid character of the practice of law is recognized, its tendency to fall into disuse and neglect, then it is added that the ruler "keeps" the law by intervening, where necessary, into the legal tradition to safeguard it from degeneration.

The paradigm instance in the traditions common

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to the U.S. and Great Britain was the invention of the Court of Chancery in fifteenth-century England and Wales. When the common-law courts were widely perceived as having become ineffective on many fronts, the government responded by developing a new court, derived from royal council and under the supervision of the Lord Chancellor, a minister who to that date had had no special connection with the operation of law. Chancery devised rules for its own operation superior to those prevailing in the common-law courts, and took over areas of litigation where those courts had seemed peculiarly incompetent. This illustrates on a large scale what happens in fact in any act of legislation: some element in the existing tradition of the court's law is corrected or adjusted from the source of government. But it also illustrates a precise danger, which at a later stage itself required correction: the setting up of conflicting jurisdictions within a single system. This has its bearing on our contemporary problem, as we shall see.

A further distinction arises between this act of government and other acts. Legislation is generic, distinguishing it from acts that concern bare particulars. When the Head of Government appoints a chief justice or supplies a sum of money to create new courts, he decides only who is to be the Lord Chief Justice *next* or where the money is to come from *now*. When a law is passed, on the other hand, it concerns what is *always* to be done in such cases as it specifies. Imagine, for example, two supposed miscarriages of justice, both uncorrected by the courts themselves, which provoke public anxiety and demands for government action. In the one case there is public doubt about the truth of the evidence on which a conviction was secured. In the other case there was a judicial ruling that evidence important to the defense was technically inadmissible. Both are assumed miscarriages, but for different reasons. The first related to a particular, "*This* is the man who was observed at the scene of the crime"; the second related to a generic principle, "*This kind* of evidence is not admissible in defense." In the governmental system of England and Wales, the two miscarriages must be addressed quite differently. In the one case, the Home Secretary will review the case, and if it seems warranted, instruct the Court of Appeal to look at it again. In the other, the Lord Chancellor prepares new legislation to amend the law of evidence.

Now, these two different kinds of corrective action require a different measure of public support. If the Home Secretary refers the first case back, or simply issues a pardon, not much is needed by way of public consent. We understand that the minister has these powers, and we require only that he use them reasonably. It is not possible to settle the validity of a conviction by public consensus. Nor does it matter to the public all that much in the long run if the minister actually reaches the wrong answer, provided that he is seen to reach it reasonably, conscientiously, and without prejudice.

In the second case, though, where legislation is in question, it is a far different matter; hundreds of cases yet undreamed of will be affected. So something more than bare consent is needed to validate a legislative act. The public must positively *assent* to the principles on which reform is proposed. No deep cleavage can be allowed to develop between the general sense of what is right and what the law exacts. So the two kinds of governmental act proceed in quite different ways. Proposals for legislation need examination both to explore unforeseen implications and to test them against the moral attitudes and convictions of those who will be governed by them and may ultimately be tempted to find them tyrannical.

For reasons such as these, British constitutional doctrine maintains that the legislature in a government is "the monarch in parliament." That is to say: not some *other* agent than the Head of Government, but the Head of Government *as engaged in a process of consultation*. Among the radical constitutionalists of the later sixteenth century, parliament (the estates or the diets in other European traditions) underwent a change of status: what used to be a body that represented popular concerns to government became a branch of government. Parliament began to see itself in the role of the founding people, covenanting with God and monarch to establish government; in Reformed thought especially, it also took on the role of protecting the state against abuses by the sovereign.

In this development its real significance was obscured. The English parliament began life as a court of common pleas, a means by which the governed spoke to the government about their frustrations, an organic line of communication between the two which served to legitimate government as pursuing the common good. The extension of parliament's role to a deliberative forum, first for the authorizing of taxation and then for the formation of legislation, recognized the need for government to listen to the vox populi, to respect its deeply held convictions, and to take stock of its anxieties.

In this context we may appreciate Montesquieu's anxiety: "When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty." His point is that when a certain dialogue fails to accompany the formation of law, its enactment simply becomes another form of executive action—it loses its distinctive lawlike character. But Montesquieu mislocated the dialogue we need. It is not a dialogue between departments of government, but a dialogue between government and people.

By converting parliament into a branch of government, modern constitutional theory lost the sense that the dialogue between government and the gov-

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erned is at the heart of the legislative process. That it became a purely intra-governmental dialogue, I believe, lies at the heart of the problems people perceive with the British constitution in our century. Many contemporary critics have identified the difficulty simply in terms of the excessive power of the executive. But this analysis is one-sided, since the source of the current situation was precisely parliament's absorbing, one by one, all the powers of sovereignty that used to belong to the monarch's ministers. The sheer success of parliament in taming the willfulness of the monarchy led to an implosion of government and parliament upon each other, leaving an unhealthy mutual dependence.

Parliament (or, in effect, one chamber of it) wrested effective control over ministerial appointments, so that ministers depended exclusively on parliament for continuance in office. Ministers forced parliament to agree to their legislative proposals with the ever-present threat of resignation and dissolution, for which members of parliament would have to answer at the polls. The sense of dialogue was lost. Ministers and parliament gained, and still have, too much power over each other, and too little authority on their own ground. The stranglehold exercised by the party system, developed to ensure support for government in parliament and effectively controlling the terms of all political debate, is the worst symptom of this stasis. But the price paid for coopting parliament into government is loss of belief in the capacity of "politicians" to respond to what actually moves the people. The term "politician" is an expressive one, binding together ministers and popular representatives in one homogeneous class. "Politicians" argue energetically about "issues." But what the "issues" are to be, they have settled among themselves without asking us.

III

We return at last to judicial review of legislation, which we may understand to be a reaction against both the dominance of parliamentary government and the positivism of legislative supremacy. The turn to the courts expresses frustration with legislative parliaments, which claim to be the sovereign government and fail in any meaningful sense to be a court of common pleas.

We have said that there is nothing impossible in the idea that law may be made by courts. Indeed, if we understand the work of courts correctly, the making of law is an essential part of it: they must declare the principles on which they have decided cases, and those principles must in some measure be a law for subsequent courts. The question, then, is not whether courts shall make law, but how. Are they to be autonomous, or under correction from someone other than a higher court? When we contemplate the sight of military leaders ruling by decree, we may wish to concede that there can be worse forms of autocratic rule than that which judges exercise.

Nevertheless, autocratic government is not good government; and as I have tried to show, there are three reasons why good government requires courts to be subject to external correction: a) good court practice requires concentration on the particular case, but good lawmaking requires attention to general policy (the *sub judice* principle); b) good court practice requires insulation from pressures of public concern, but good lawmaking requires exposure through consultation to public concern (the democratic principle); c) good court practice requires a conservative approach to legal tradition, but good lawmaking needs a measure of critical distance from the tradition (the natural law principle).

As I have reflected on this problem over the past twenty years, I have come to the conclusion that the root of the matter lies in the faulty early-modern articulation which, lacking a sense that all branches of government engage in judgment, allowed separation to create competing jurisdictions. This is a situation which political authority cannot endure. The multiple variation of functions within a complex government allows for an extensive plurality of function and decision, but this rests on the hypothesis of a *summa potestas,* a source of governmental authority, to which, in the last analysis, the resolution of conflicts must return. That is the heart of the matter.

There is an alternative analysis of the problem, which I now reject. It was frequently argued in Canada at the time of the introduction of its Bill of Rights in 1982, and is often urged by opponents of a British Bill of Rights: that the root of the problem lies in assigning legal status to a *philosophical document,* whether a Bill of Rights or a *Grundrecht* or whatever else it may be, that is in legal terms underdetermined, and so undercuts the concrete determinations of ordinary legislation. But this is not the root of the problem: if an underdetermined document has the status of law, it is in principle easy to provide it with the necessary determinations. Failing anything else, the precedents of the courts suffice to provide such determinations. A problem arises only when there is competition between *rival* determinations.

This is illustrated by a famous controversy between the European Court of Human Rights and the British government, which turned precisely on such an underdetermined expression, and led to Great Britain's only derogation from the European Convention on Human Rights. Article 5(3) requires that an arrested person be "brought promptly before a judge." In British antiterrorist legislation, the time-lapse between arrest and appearance in court was, in exceptional circumstances, allowed to be as long as seven days; the Court of Human Rights insisted that three days must be the limit. Now, either three days or seven days could plausibly serve as a determina-

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tion of the word "promptly." Which is the *better* determination will depend on the circumstances in which one has to be prompt, which is why alternative determinations for differing circumstances are conceivable, even desirable. The controversy, then, did not follow from the mere possibility of differing determinations, nor from the fact that the phrase was, as it stood, underdetermined. It was simply born of a failure to achieve a workable conception of the way in which the jurisdiction of the court related to that of the government of the United Kingdom.

Unlike most other signatory countries, Britain regarded the Convention simply as a treaty, without any immediate force in domestic law. The European court, then, could see no reason to attribute to the British government and courts any intention of respecting the Convention and applying it appropriately. In relation to Great Britain, the court seemed to enjoy a monopoly on interpreting human rights, standing over against a civil society in which both legislature and courts seemed free to ignore them. The British protested that this was not concretely the case; but formally the matter appeared so. One can hardly blame the court, perhaps, for acting out the logic of a Scarlet Pimpernel role. But that role was simply the result of allowing competition to arise between jurisdictions: on the one side a court with a document all its own, on the other side national government and courts which were obliged to respect the document but which had no share in interpreting it.

The British government recently responded by incorporating the European Convention of Human Rights within English and Scottish law; it is hoped that this will overcome the existing liability to generate conflicts while also protecting the legislative supremacy of the Queen in Parliament. This measure allows the Convention to be interpreted as British law in British courts, and so allows British statute law to be applied within the interpretative context of the Convention. It will have the effect of presenting the Strasbourg court with interpretative decisions on the Convention that have already been reached under British law by British courts, and so do something to reconcile the jurisdictions. While stopping short of according Strasbourg rulings ipso facto force in British law, it requires British courts to take those rulings into account, thereby allowing a serious contribution to the interpretation of British law from outside Great Britain. But by depriving the Strasbourg court of its monopoly in interpreting the Convention in Great Britain, it will ensure that the interpretation of the Convention begins to reflect British legal realities.

This approach attempts to do institutionally what still remains to be done conceptually, i.e., to reintegrate statute law and human rights, the one enjoying a positive immunity from moral criteria, the other enjoying a natural law supremacy over positive law. The natural law principle, that a law must be morally tolerable for it to be valid, must be brought to bear across the *whole range* of legislative endeavor, not merely those cases in which individuals have claims to make against governments. On the other hand, we must maintain the principle behind positive law: that the rights of individuals cannot be respected simply by letting them *cut across* legal traditions, allowing rights to invade, as it were, the legal sphere by sudden irruptions of court judgment at unpredictable moments. Rights must be an essential aspect of the spirit of a well-tempered law, a "Right" in the singular, which government takes responsibility for sustaining and correcting.

We return to the respective roles of courts and legislators. The essence of the courts' task, in the first place, is to apply statute law intelligently in the light of natural law; to make good moral and social sense of a body of legislation that may sometimes have been incoherently or inconsiderately compiled. In handling this body of law we should not require that the courts be slavish. There should be no prejudice in favor of "strict construction"—except where that has become the only acknowledged alternative to sheer interpretative willfulness. We should require that the courts duly acknowledge the authority of government in providing law, and that they make a commitment to give the law the best interpretation of which it is susceptible, according to the most consistent interpretative principles (not necessarily the most literalistic) that can be developed. We cannot rule out a priori the possibility that some legal provision inconsistent with divine and natural right would need to be rejected absolutely, since we cannot a priori exclude the possibility of a tyrannical law, one that requires the performance of wicked actions or forbids the performance of obligations. Such an event, however, needs to be seen as a last resort, and it implies the invocation of an emergency procedure—our new British legislation envisages a formal declaration—that will bring the legislators urgently to the point, and cause bad statute to be re-made, but by parliament, not by the courts. The procedure of "striking down" law has been rejected by the British government, and rightly, since it is precisely that procedure which produces the situation in which legislative responsibility slips away from parliament.

But here we must recall the main point of our analysis: the problem arose in the first place because populist constitutional doctrine asserted an idolatrously inflated conception of legislative power. Making so much of positive legislation cheapened it, and created a general contempt for legislative process—too much law was made too fast and too carelessly. Law, as Montesquieu feared, turned into a form of executive action, as parties competed at elections with their rival legislative programs, which they promised to ram through within one parliamentary term (or, even worse, within the first hundred

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days of it).

In this ethos the shifting of real responsibility to the courts occurred with the collusion of politicians, since it enabled them to sustain a flurry of lawmaking without ultimately being answerable for the consequences. I recall, with a shudder of despair, one Premier of Ontario who, promoting a controversial and wide-ranging amendment to that Province's Bill of Rights, answered all questions about what it would mean in practice with the simple formula: "We don't know. The courts will decide." With this sort of reasoning, legislation came to be seen as merely provisional; in some places a new law was hardly thought authoritative until it had been challenged at least once through the court system. But this is the spiritual end of modern democracy itself, the great claim of which was to provide an answer to the question: how may a multitude of human beings live as a political society in obedience to law? (Readers of FIRST THINGS may like to ponder to what extent my perception of what it means for democracy to "end" coincides with that of the contributors to the symposium "The End of Democracy?" In order to make myself clear on one point, however, I should add that the end of democracy is not, in my view, the same thing as the end of legitimate government.)

No solution of the problem can be imagined that does not involve an address to the process of legislation. What our democracies most need is not judicial review of laws after the event, but a high standard of preparatory scrutiny before laws are entered in the statute book. One of the most positive aspects of the new British proposals is that new legislation must come before parliament accompanied by a statement assuring its compatibility with the provisions of the European Convention. The courts are not bound to agree with this statement should it ever be challenged, but the practice requires legislators to respect the Convention in all their legislative endeavors, and to heed the advice of lawyers on that matter ab initio. But something will be required of the courts in turn—namely, to recognize the implications of this legislative process, to acknowledge the legislature's intent to insert a given law into a natural law-governed framework, and to interpret it in good faith. In this way a real understanding between lawmakers and courts may be developed. Once that occurs, the burden against impugning a law with a clean bill of health will be greater. Self-discipline in legislative quarters and self-discipline in judicial quarters must go hand in hand. FT

Arc of the Lily

The movements of the Madonna—
moment of maternity,
passion of the Pieta
are the same stance.

See first her skyward gaze
open-handed, empty, bloom to full arms.
Follow the arc of her head downward,
beholding the babe.

She wraps the cloth tighter
around hot baby flesh, gathering Him
to her face, her breast.

She wraps another cloth
around his still warm body
broken, gathering Him
to her face, her breast.

His head in her lap has the heft
of her newborn boy. Her hand drapes
over the man. Her white face turns upward,
a lily seeking rain.

Loretta Watts

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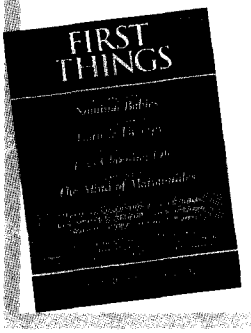

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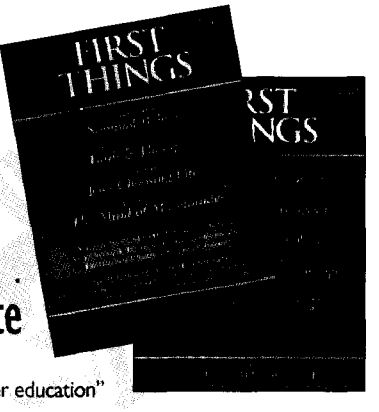

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Books In Review

Theories of Everything

WHAT REMAINS TO BE DISCOVERED: MAPPING THE SECRETS OF THE UNIVERSE, ORIGINS OF LIFE, AND THE FUTURE OF THE HUMAN RACE. By JOHN MADDOX. *Free Press. 434 pp. $26.*

Reviewed by **Stephen M. Barr**

SIR JOHN MADDOX was for almost a quarter of a century, until 1995, the editor-in-chief of *Nature*, one of the world's premier scientific journals. In this ambitious book he attempts nothing less than an overview of what has been discovered about the natural world in the last three centuries, and what is likely to be discovered in the century ahead.

It is clear that Maddox intended this to be a rebuttal of John Horgan's provocative book, *The End of Science*, published in 1996. Horgan's thesis was that science is entering "an era of diminishing returns." He noted that many fields of research, such as human anatomy or geography, are limited simply by the boundedness of their subject matter. Even chemistry, being based on the periodic table, is bounded. Although the number of compounds that can be built up from these elements is vast, there is a sense in which the problems in chemistry become less and less fundamental as time goes on. In any finite field of inquiry one expects that at some point all the basic principles that are humanly discoverable will be known. There are some who hope—or fear—that we may already be close to that point in fundamental physics. Many leading particle physicists believe that in "superstring theory" they have already hit upon what will turn out to be the ultimate theory of physics—*the* laws of nature.

EVEN IF WE are not close to achieving the final theory in physics or other sciences, we may, according to Horgan, be running up against limits to what we can discover. Some of these limits are imposed by nature itself. For example, in astronomy there is a distance beyond which it is impossible to observe because of the finite speed of light. Other limits are practical: a few years ago the U.S. Congress cancelled in mid-construction what was to be the world's largest particle accelerator. Finally, there may be limits imposed by human intellectual capacity. The mathematics of superstring theory, for instance, is of such prodigious depth that after a decade and a half of remarkable progress researchers feel that they are very far from coming to grips with its central principles.

As evidence of his thesis, Horgan argued that there have been no truly revolutionary discoveries in the last several decades. What, he asked, has been done recently that can compare in magnitude to the discovery of evolution, the principles of genetics, and the structure of DNA, or to the discovery of Newton's laws, Einstein's theory of gravity, and quantum mechanics?

Maddox attempts to answer Horgan, although, curiously, he never mentions his name. Maddox makes his purpose clear in the preface: "And [my] message? Despite assertions to the contrary, the lode of discovery is far from worked out. This book provides an agenda for several decades, even centuries, of constructive discovery that will undoubtedly change our view of our place in the world as radically as it has been changed since the time of Copernicus." To answer Horgan, Maddox surveys what is currently known, primarily in cosmology, physics, and biology, indicating along the way which unsolved problems in each field he regards as the major ones.

In biology, Maddox has no trouble coming up with a list of profound issues about which little if anything is known: how life originated from nonliving chemicals four billion years ago; how a single cell is able to assemble itself into a complex multicellular organism; the way in which speciation occurs; how and why sexual reproduction evolved; the way in which the human brain works; and the nature of consciousness. Maddox argues persuasively that great progress is likely to be made in the next century (or at least is achievable) in some of these areas.

His optimism is less plausible, however, when it comes to the deepest questions, such as how the human brain works. He concedes that "progress in this field will not be quick." The complexity of the brain's circuitry is just staggering: "[It] probably contains many times as many neurons as our galaxy contains stars. . . . The complexity of connections between neurons is similarly gargantuan; cells of the cortex may be in a position to signal to as many as ten thousand others, either in the cortex or elsewhere in the head. The combinatorial possibilities are immense." Moreover, even the most sophisticated means that are presently used to study the living human brain are comparatively crude: "What remains to be seen is whether the detail that can be identified by these means will be fine enough to answer the questions being asked about the function of the brain as a computer." In spite of all this, Maddox asserts that the "circuitry of consciousness" will be understood. "Perhaps new techniques will be required before the goal is truly in sight. But that the goal is attainable seems now to be plain." On what does Maddox base this last confident assertion? As far as I can tell, on nothing at all.

THE DIFFICULTIES THAT must be faced in understanding the mechanisms of evolution are no less daunting. In discussing one evolutionary puzzle, Maddox admits that "complex questions such as these cannot be tackled with the infor-

STEPHEN M. BARR *is Associate Professor of Physics at the Bartol Reseach Institute, University of Delaware.*

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mation now available." In another place he remarks "how little has yet been done to found even rudimentary evolutionary speculation on laboratory investigations." He notes that thorny questions such as "the causes of the rapid appearance of novel species at the Cambrian Explosion" will be answerable only at some possibly distant date "when the process of speciation is fully understood in modern genetic language." And yet, in some miraculous manner, Maddox already knows what this far-off research will reveal: "Heritable variation and natural selection, the central tenets of Darwinism, will then be found to account for what is known of the patterns of evolution."

When it comes to particle physics and cosmology, Maddox has somewhat less mastery of his material. He makes a disconcerting number of minor technical errors. More seriously, he does not have a very clear picture of what the major unsolved problems in cosmology and particle physics really are. He mentions as puzzles several things that never were or no longer are such, while failing to mention some of the truly great and difficult questions that confront present-day theory. Maddox also has some quirky prejudices, such as a particular dislike of black holes.

More understandable is his hostility to the idea that physics may be close to a "Theory of Everything" in the form of superstring theory. This idea is very controversial even among particle physicists themselves, many of whom complain that there is not a shred of direct experimental evidence for it, and that after years of serious work superstring theorists still cannot make a single testable prediction.

GIVEN THESE FACTS, why do so many of the most brilliant people in the field continue to work on superstring theory and regard it as such a promising candidate for *the* ultimate theory of nature? To understand this one has to have some appreciation of the great trends in the history of physics. One trend has been toward an ever more unified picture of nature, beginning when Newton showed that the same laws govern terrestrial and celestial phenomena. As time went on, Newtonian mechanics was able to explain phenomena as diverse as the motion of fluids, the propagation of sound, and the flow of heat. In the nineteenth century the Newtonian framework was extended to describe electrical and magnetic phenomena, as well; and with the equations written down by James Clerk Maxwell in 1865 it was realized that electricity, magnetism, and optics are all different aspects of a single force called "electromagnetism." In 1905, Einstein showed that space and time form a single, four-dimensional whole, and that mass and energy are really the same thing. Quantum theory showed that force fields, wave phenomena, and particles are all manifestations of something called a "quantum field," so that there was no longer any fundamental distinction between matter and the forces that influence matter.

In the 1970s, another enormous unifying step was achieved when it was found that two of the four known forces of nature, electromagnetism and the "weak nuclear force," are really pieces of a single force. Powerful circumstantial evidence also emerged at that time (still not conclusive, however) that a third force, the "strong nuclear force," was unified with these in an analogous way.

Everything that is now known about the physical world can be described by two theoretical structures: Einstein's theory of gravity, and a quantum field theory called "the Standard Model," which incorporates everything *except* gravity. It is clear to almost everyone that these are but two pieces of a grander whole. For decades physicists tried to bring Einstein's theory of gravity under the umbrella of "quantum field theory," but the umbrella was not big enough. All attempts to bring together Einsteinian gravity and quantum theory failed—until superstrings came along. Astonishingly, superstring theory not only could accommodate them both, but actually needed them both for its own completeness and consistency.

The other great trend that has culminated in superstring theory is the increasing role of powerful principles of "symmetry" in our understanding of the laws of physics. Since ancient times people have been impressed by the harmony and order they saw in nature, manifested most clearly in the grand cyclic motions of the heavenly bodies. They pointed to this order as evidence of a cosmic design—and a Designer.

WHAT SCIENCE has shown is that this order runs far deeper than anyone had imagined. In the phenomena around us we catch mere fragmentary glimpses of order amidst much apparent haphazardness and chaos. But modern physics gives us eyes to see down to the very roots of the world's structure, to the deepest layers of physical law, and what is seen there is an orderliness of the most pristine mathematical purity.

This order is reflected in principles of symmetry of wonderful richness and beauty. It was a new principle of symmetry that led Einstein to his theory of gravity, and a new principle of symmetry that allowed the unification of forces achieved in the 1970s. What scientists have stumbled upon, in superstrings, is a mathematical structure of such towering grandeur that they cannot help but call it "miraculous." It is of a beauty that only a few mathematicians are able to discern, and even the greatest experts feel that they are seeing only a small part of it. Edward Witten, the greatest of all the experts, grew exasperated with John Horgan's lack of appreciation: "I don't think I've succeeded in conveying to you," he said, "its wonder, its incredible consistency, remarkable elegance, and beauty."

If the laws of nature should prove to form a unified and coherent structure of great beauty, that would hardly surprise the religious

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among us. But would that mathematical structure amount to a "Theory of Everything"? It would certainly be a theory of everything *physical*. But is everything physical? In particular is man, made in the image of God, entirely physical? This brings us out of the realm of particle physics and into the realm of the human mind. It is here that one encounters among certain contemporary scientists an attempt at a unification far bolder than anything ever contemplated by physics.

In this greater unification, all mental phenomena will be explained in physical terms. In the words of Francis Crick, the Nobel-laureate biologist, we humans are "nothing but a pack of neurons." Strangely, Maddox has no qualms in accepting *this* kind of theory of everything. He assures us, with calm confidence, that "an explanation of the mind . . . must ultimately be an explanation in terms of the way neurons function."

What neither Maddox nor the authorities he follows seem to appreciate is how profoundly different this mind-equals-neurons theory is from all scientific theories that have gone before. All scientific theories up till now have been attempts *by the human mind* to grasp the nature of physical reality. The new theory is an attempt to show that the human mind, as such, is a fiction, and that only the physical reality exists. This is the suicide of theory.

SCIENTIFIC THEORIES are built up of ideas, and ideas exist in the mind.

THE CALVIN EXPERIENCE

John L. Ubels

Ph.D. in physiology from Michigan State; internationally known expert in ophthalmology; awarded major research grants from the National Institutes of Health; former faculty member at University of Pittsburgh School of Medicine and the Medical College of Wisconsin in Milwaukee; now teaching in Calvin's biology department.

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Ph.D. in geography from the University of Minnesota; authority on natural resource policy and agriculture; awarded Fulbright Research Fellowship; former chair of the board for the Leopold Center for Sustainable Agriculture at Iowa State University; second occupant of William Spoelhof Teacher/Scholar-in-Residence Chair at Calvin.

David H. DeHeer

Ph.D. in molecular biology from the University of Arizona; awarded fellowships at Scripps Clinic and Research Foundation in La Jolla, California; author of numerous articles in the fields of immunology and investigative pathology; director of research for Grand Rapids' Orthopaedic Surgery Residency Program; Calvin professor of biology.

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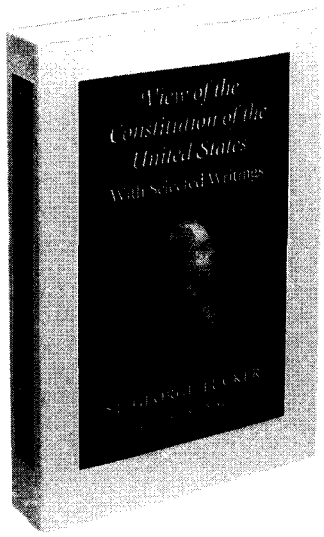
VIEW OF THE CONSTITUTION OF THE UNITED STATES
With Selected Writings

By St. George Tucker
Foreword by Clyde N. Wilson



As professor of law at the College of William and Mary, St. George Tucker in 1803 published ***View of the Constitution***—the first extended, systematic commentary on the United States Constitution after its ratification and later its amendment by the Bill of Rights. ***View*** was originally part of Tucker's "Americanized" or "republicanized" edition of the multivolume *Commentaries on the Laws of England by Sir William Blackstone*. Generations of American law students, lawyers, judges, and statesmen learned their Blackstone —and also their understanding of the Constitution—through Tucker. As Clyde N. Wilson notes, "Tucker is the exponent of Jeffersonian republicanism . . . in contrast to the commercial republicanism of New England that has since the Civil War been taken to be the only true form of American philosophy." In addition to the entirety of ***View***, the Liberty Fund volume includes seven other essays from Tucker's renowned edition of Blackstone. These include "On the Study of Law," "Of the Unwritten, or Common Law of England," and "Of the Several Forms of Government."

St. George Tucker (1752–1827) was an officer in the American Revolutionary Army, a professor of law, justice of the Supreme Court of Virginia, judge of the Federal District Court for Virginia by appointment of President James Madison, progenitor of a long line of jurists and scholars, and stepfather of John Randolph of Roanoke.

Clyde N. Wilson is Professor of History and Editor of *The Papers of John C. Calhoun* at the University of South Carolina.

478 + xxvi pages. Foreword, sources, note on the text, index.

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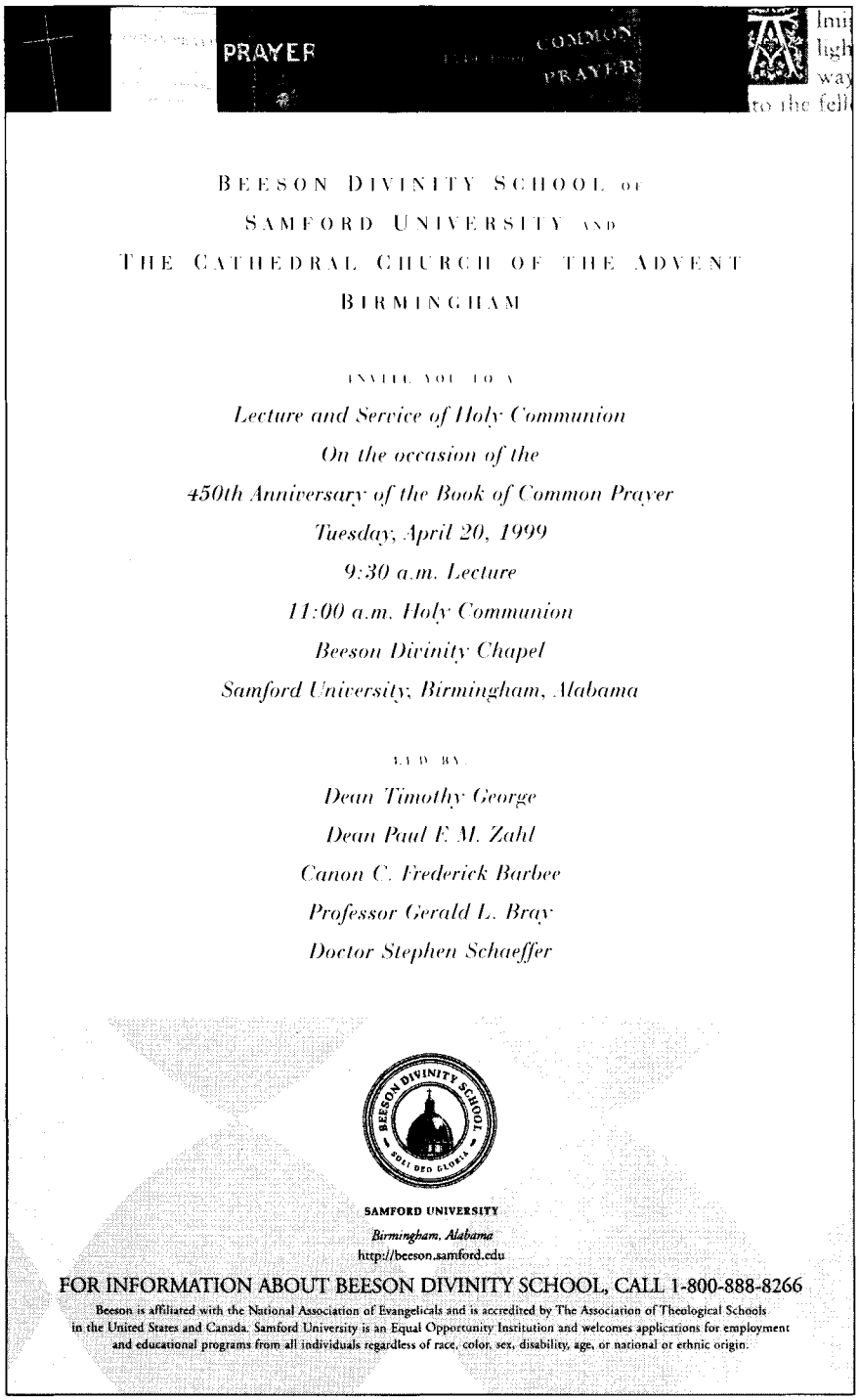
The ideas of modern science are, notoriously, very abstract. Chemistry, for example, uses such concepts as "atomic bond" and "valency" and "activation energy." These concepts rest on yet more abstract concepts in physics, such as "electromagnetic field" and "energy level." These, in turn, entail all of the recondite mathematical ideas of relativistic quantum field theory, which take years of study to comprehend.

We are supposed to believe that these ideas are nothing more than various patterns of neurons "firing" or discharging in human brains. A certain pattern of neurons firing is the concept "energy level." Another pattern of neurons firing is the concept "square root of 2." And so on. Not, mind you, just that a certain pattern of neurons firing accompanies the *concept* "square root of 2," or causes that concept to be present to the mind. That concept is supposed to be *nothing other than* the firing of the neurons. To "understand" the physical world using scientific and mathematical concepts would mean, then, nothing else than that the neurons in one's brain were discharging in particular patterns and sequences.

The concept "neuron" itself, in fact, is on this account nothing other than a certain pattern of neurons firing in the brain. Is there not something here to make us vaguely uneasy? Is not the snake of scientific theory eating its own tail—or rather its own head? Traditionally, we explained the physical world, including the brain, using concepts. Now we are to explain the concepts themselves as being mere physical events in brains. In fact, this whole theory according to which the mind and all conceptual understanding are nothing but electro-chemical discharges of nerve cells is *itself*, by its own account, nothing but a discharging of nerve cells. This makes it, as far as I can see, no more significant or interesting than a toothache. We should listen to great scientific minds because they *are* great scientific minds. However, when they begin to tell us that they really have no minds at all, we are entitled to ignore them.

FOR ALL THAT, Maddox has written a most valuable book, and he is certainly right in his main point. There is a long road of scientific adventure ahead of us, and surely many remarkable things await us along that road. The great discoveries, when they come, will commend themselves to us, as they always have, by their "wonder, incredible consistency, remarkable elegance, and beauty," as Witten says. But as for the neuroscientists' "theory of everything," I find no wonder in it.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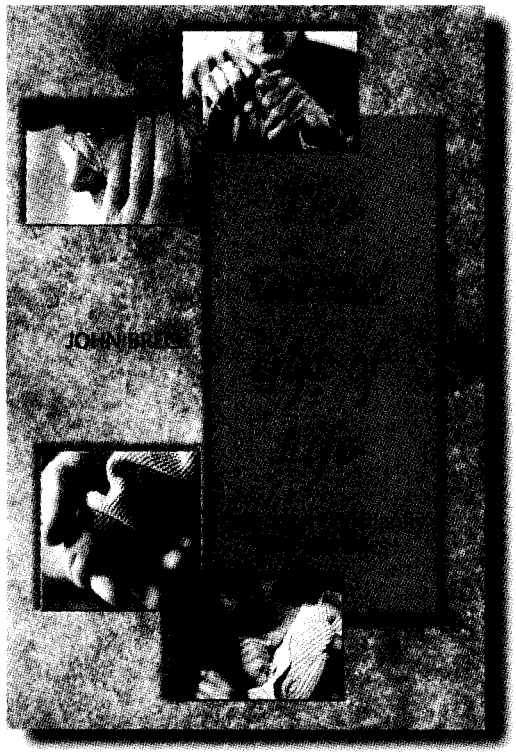

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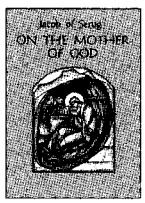

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Barometer Falling

INSTITUTIONS OF MODERNISM: LITERARY ELITES AND PUBLIC CULTURE. By LAWRENCE RAINEY. *Yale University Press. 256 pp. $25.*

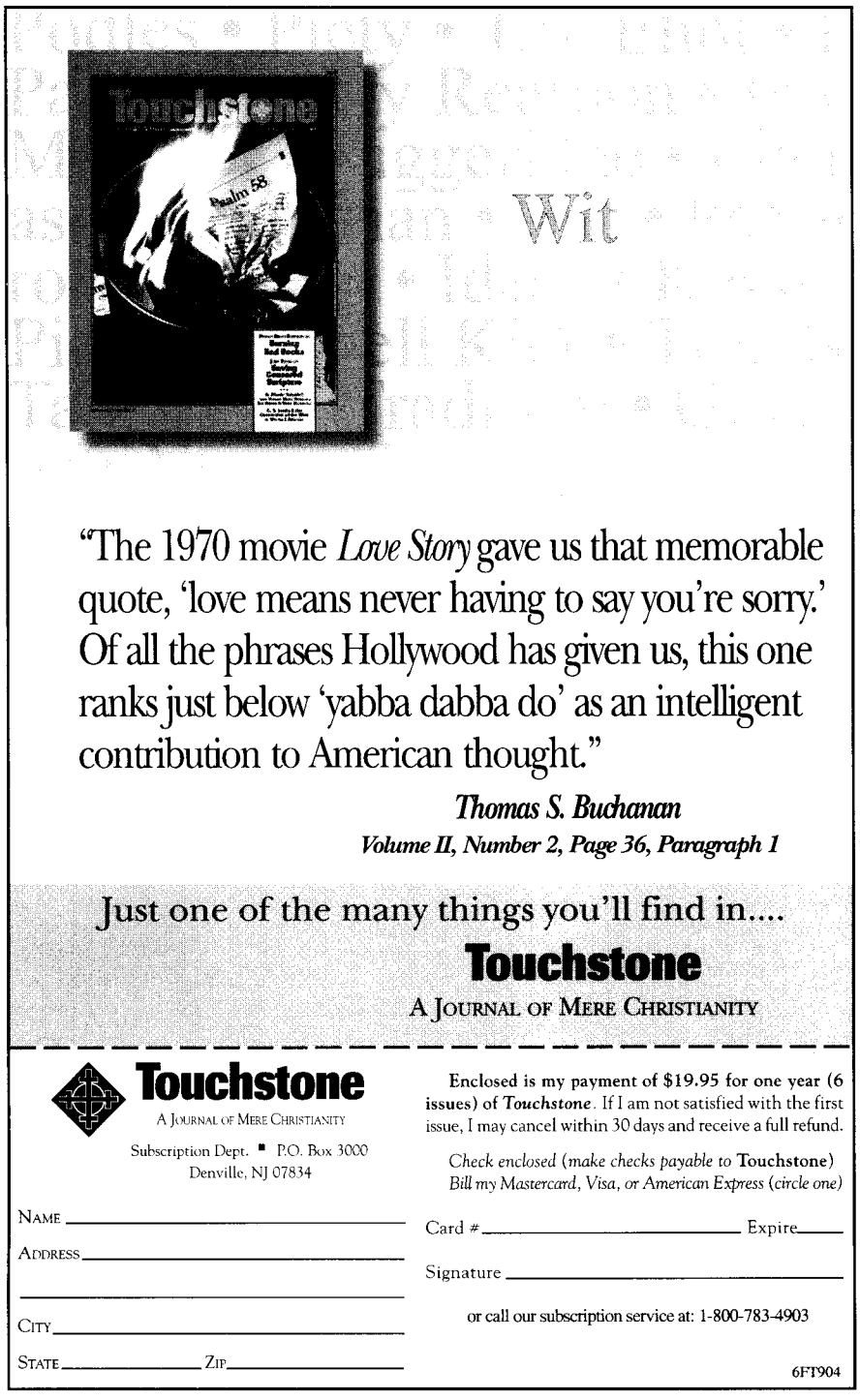
Reviewed by **Roger Kimball**

SOME BOOKS ARE like barometers: interesting chiefly for what they tell us about the prevailing climate. Lawrence Rainey's *Institutions of Modernism* is a case in point. Readers who care about literary modernism will find little to detain them in this book. The names of James Joyce, Ezra Pound, T. S. Eliot, and H.D.—the authors with whom Rainey is primarily concerned—recur frequently. But there is not a single sentence that really engages their work. Instead, Rainey, proposing a "counternarrative" to "trace the institutional profile of modernism," tells us how much it cost to buy a copy of *Ulysses* when it was published in 1922, how much money Harriet Shaw Weaver set aside to help Ezra Pound, and why the *Dial* won out over other magazines in the competition to publish *The Waste Land* in America. "Patronage," he tells us at one point, "was the foundation of the institutional structure of the avant-garde."

ROGER KIMBALL *is Managing Editor of* New Criterion.

Rainey is really not interested in novels or poems. He is quite frank about this. "Some readers, especially those with literary critical training, will find far too little of the detailed examination of actual works that is sometimes held to be the only important or worthwhile form of critical activity." Rainey does not make this error. I can certify that his book is 100 percent free of examination—detailed or otherwise—of any "actual works." On the contrary, he is interested exclusively in what he calls "cultural production." This by now hoary bit of academic jargon marks *Institutions of Modernism* as the offspring of "cultural studies," that popular pseudo-discipline that resulted from crossing Marxist animus with deconstructionist verbiage.

Rainey is quite good at it—an A or A- for consistency, I'd say, if only a C for originality. For example, referring to the "institutional field of cultural production" that "rapidly and radically transformed . . . the rigid dichotomy between 'high' and 'low'" (for academics like Professor Rainey, dichotomies are always "rigid" and high art always needs scare quotes), he tells us that "Modernism's ambiguous achievement . . . was to probe the interstices dividing that variegated field and to forge within it a strange and unprecedented space for cultural pro-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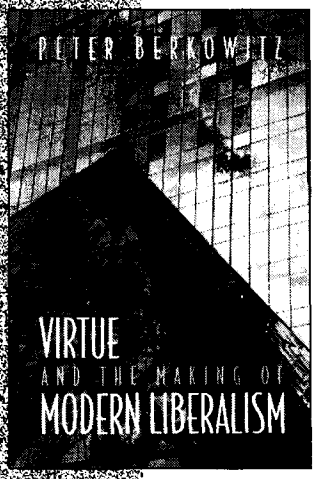

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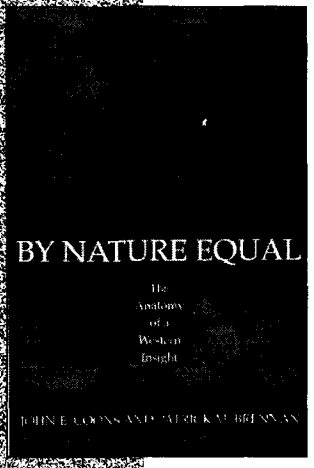

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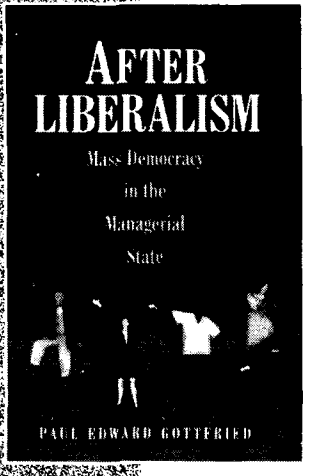

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duction, one that did indeed entail a certain retreat from the domain of public culture, but one that also continued to overlap and intersect with the public realm in a variety of contradictory ways."

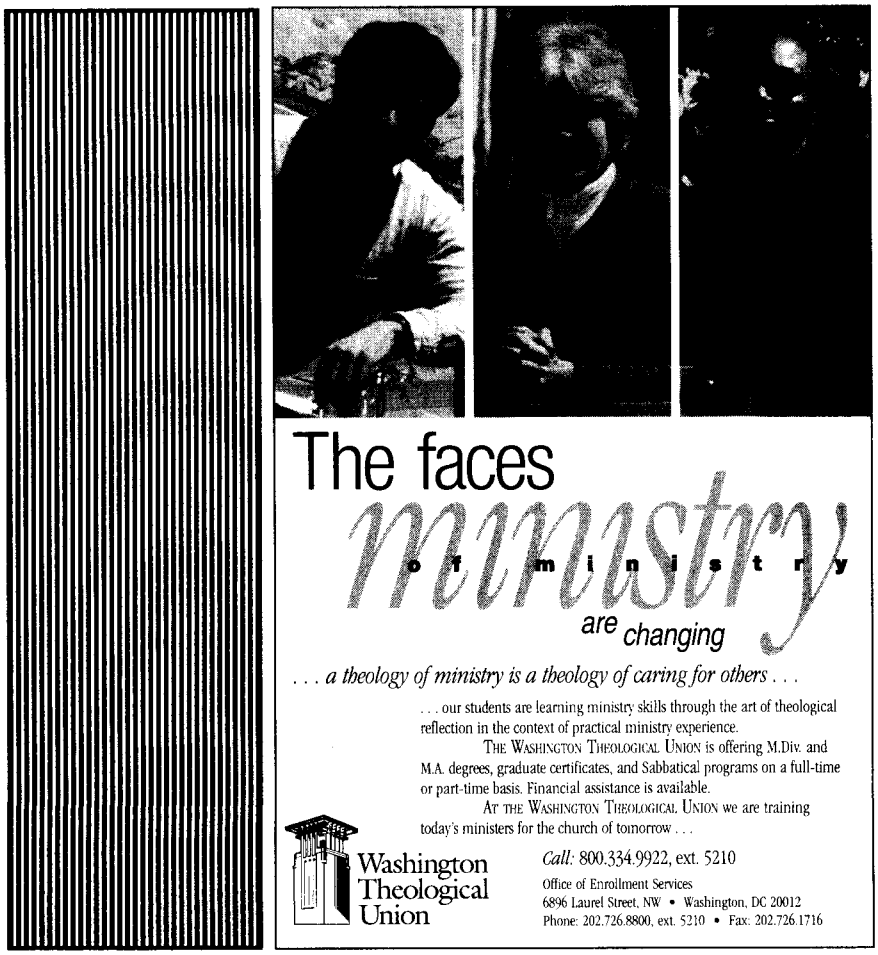
PERHAPS YOU THOUGHT that the classic works of high modernism—works like *Ulysses* or *The Waste Land*—were important because they had something pertinent to say about the spiritual conundrums of modern life. Forget about it. Rainey comes bearing the new, academically orthodox, message that "modernism . . . is a strategy whereby the work of art invites and solicits its commodification, but does so in such a way that it becomes a commodity of a special sort, one that is temporarily exempted from the exigencies of immediate consumption prevalent within the larger cultural economy and instead is integrated into a different economic circuit of patronage, collecting, speculation, and investment." These fragments he has shored against his ruin.

Cultural Studies of the sort exhibited by *Institutions of Modernism* is all the rage in American and English universities (Rainey teaches at the University of York in England). This is primarily because it has proven to be a powerful aid in the effort to avoid dealing with works of art or literature as products of the human spirit: aesthetic objects that move us with their intricately wrought beauty, humor, and insight.

Once readers start paying attention to the works themselves—to the way they are made, to what they have to tell us—they will inevitably stop taking critics who set themselves up in competition with the works very seriously. I mean critics who, like Rainey, love to begin sentences with formulations like the following: "If it is true, as the logic of poststructuralism asserts, that every erasure will leave its trace in such a way that the very thing one is trying to exclude is disclosed as the hidden center of a contaminated order, then . . ." Then what? Then an absence is as good as a presence, a denial is really a veiled affirmation, night is day, black is white, and the critic can say whatever he wants about any subject under the sun because what matters to him are not works of art but the progress of his stern-sounding word games. Let him emit words like "commodification," "contamination," and "subversion" at regular intervals and he is content.

Not that these games are necessarily easy to play. They require a certain kind of rhetorical skill and, to play it as Rainey does, considerable scholarship. Rainey has expended a lot of effort to write this book. He knows how much the different versions of the first edition of *Ulysses* cost in francs, pounds, and dollars, how much Eliot received from all sources for publishing *The Waste Land* and how that compares with the per capita income of the United States at the time, and how much Ezra Pound's first book had increased in value by 1924. Of course, Rainey bothered to amass such interesting facts not simply to provide a socioeconomic context for modernism but to weave his "counternarrative" in which modernism is both a "powerful critique of commodity capitalism" and a movement that "mortgaged that critique in the future."

Rainey's one real historical contribution, showing how Ezra Pound's infatuation with fascism began in the early 1920s (and not, as has been thought, in the years following the market crash of 1929), doesn't contribute much to this counternarrative. But by the time he gets around to it in his fourth chapter, one hardly notices. Besides, discussion of Pound's Fascist sympathies allows Rainey to tell us that, through Pound, "the modernist culture of patronage was assimilated to the emerging culture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of fascism." The thought that Pound's embrace of Mussolini might count as a betrayal of modernism never seems to occur to Rainey—but that is perhaps just as well, since it would be bound to disturb the pleasing certainty of his adversarial "counternarrative."

FOR ANYONE INTERESTED in what chic academic criticism looks and feels like today, *Institutions of Modernism* is as good a place to start as any. The spiritual aridity, the rebarbative prose, the programmatic subordination of literature to an ideological agenda—all make the book an exemplar of the discipline, which is to say, they make it an exemplar of a discipline in crisis, a discipline that has lost its way. The fact that the book was published in Yale's Henry McBride Series on Modernism and Modernity adds to the shame of it.

Henry McBride (1867-1962) was an important and immensely congenial art critic whose columns in the *New York Sun* and the *Dial* did a great deal to introduce the American audience to modernist art. As a note on the series at the beginning of Rainey's book observes, Henry McBride "discussed difficult artistic issues in a relaxed, engaging, yet informed style, one that is still a model of clarity, grace, and critical responsiveness."

In other words, his criticism was the polar opposite of the grim, politicized irrelevancies that Rainey provides. The fact that Rainey is General Editor of the Henry McBride Series adds insult to injury. McBride was famous for his easygoing humor, so perhaps he is smiling at the irony of it all instead of rolling over in his grave. No doubt Rainey regards the publication of his book in this series as a gesture subversive of an outmoded aestheticism. For the rest of us, however—and above all for the patrons of this series commemorating the achievement of a great critic—*Institutions of Modernism* must be regarded as an impertinence that is as offensive as it is calculated to be.

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A Footnote to the Sixties

THE POLITICS OF AUTHENTICITY: LIBERALISM, CHRISTIANITY, AND THE NEW LEFT IN AMERICA. By DOUG ROSSINOW. *Columbia University Press. 500 pp. $32.50*

Reviewed by **Scott McConnell**

IT IS JARRING to discover that the history of the 1960s is now being written by people who—as the young historian Doug Rossinow describes himself—had "never heard" of the New Left before entering college in the 1980s. But after recovering from such confirmation of one's relatively aged status, it is possible to concede that "historical" study of the tumultous decade can shed light on topics that have elsewhere been neglected. One such topic is explored in the early sections of Rossinow's *The Politics of Authenticity: Liberalism, Christianity, and the New Left in America*—the role played by a certain kind of explorative or "existential" Protestantism in the political and moral education of some white students who went on to become active leftists later in the decade.

This seems a genuinely new wrinkle in the discussion of how American religious faith intersected with the '60s left. It is of course widely understood that the civil rights movement germinated first in the black churches in the South, and that its key leaders came from the black clergy. It is less broadly trumpeted but hardly disputed that the white student left in the early 1960s was predominantly Jewish—in this case a description of ethnicity more than religious practice. As delineated most thoroughly in *Roots of Radicalism*, the seminal work by Stanley Rothman and S. Robert Lichter, the early New Left, at least on the campuses where it first flexed its muscles, was an outgrowth of the Old Left. A substantial number of its early cadres were the children of parents once or even still in the orbit of the Communist Party, and thus American Jews of a particular stripe. The background of these so-called "red diaper babies" sometimes manifested itself in displays hardly typical of the irreverent 1960s, as when students engaged in sit-ins at Berkeley during the 1964 "Free Speech Movement" held Hanukkah services and sang the Israeli national anthem.

As the Vietnam War escalated, the New Left began to expand beyond this relatively elite group attending a handful of highly competitive colleges. The year 1965 was a watershed, as new recruits from the larger state universities in the Midwest and Southwest flooded into Students for a Democratic Society (the main radical student group); unlike their predecessors, the newcomers generally did not come from left-wing families or

SCOTT MCCONNELL *is a writer living in New York City.*

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even liberal professional homes, and though still disproportionately Jewish, they were so to a much lesser extent. The students of the so-called "Prairie Power" influx tended to be more deeply rebellious—engaged in ferocious battles with their own conservative parents as well as with American society at large.

> One SDS leader from Texas described the differences thus: "We were by instinct much more radical, much more willing to take risks. If you were from Texas, in SDS, you couldn't go home for Christmas. Your mother didn't say, 'Oh isn't that nice, you're involved. We supported the Republicans in the Spanish Civil War . . . and I'm glad to see you're socially concerned.' In most places it meant, 'You Goddam Communist.'"

This coterie of students tended to drink more heavily, drive faster, and be less hesitant about violence; they were not so easily depicted by sympathetic liberal social scientists as the brightest and most sensitive members of the new generation.

To this red diaper baby/prairie power dichotomy Rossinow adds a third and seemingly new element: a tributary of Christian "existentialists" flowing early in the decade from the student YMCAs and YWCAs and other Christian institutions for the young—first into civil rights protest and then headlong into the revolutionary white left once the sixties began to break open.

Rossinow's inquiry is narrowly focused (the book originated as a doctoral dissertation) on the University of Texas at Austin and its periphery. Texas was then very arid soil for any kind of leftist movement: football and fraternities dominated college social life; beyond the campus, a liberal community revolving around figures like *Texas Observer* editor Ronnie Dugger was small and individualistic—more a cranky band of dissidents than a real force, relying on a respect for civil liberties and tolerance to stay afloat at all.

In such an environment, Christian groups provided a sort of sanctuary for people who thought differently, and where a New Left could begin to germinate. At the U of T, a key locale was the Christian Faith and Life Center (CFLC), a religious training and study institute headed by charismatic former fundamentalist preacher John Wesley Matthews. Some considered Matthews manipulative and unreliable, and Dugger dismissed him as a fraud. But Tom Hayden, an SDS founding father who married his first wife Casey at a CFLC ceremony in 1961, described the center as a "liberated zone" on the Texas campus. The Port Huron Statement, the keystone New Left document largely drafted by Hayden the following year, resonates with language drawn from CFLC pamphlets—about young people engaging in a "search for meaning" amidst "an old world passing away and a new world being born."

THE ACTUAL INTELLECTUAL and political content of all this remains fuzzy. Students at the CFLC (who took courses there in addition to regular requirements) read Dietrich Bonhoeffer and Paul Tillich; several were active protesting segregation on the campus and in surrounding Austin. What seems most distinctive about these liberal Christian groups was their tone, earnest and questioning: "What does it mean to be a person?" and "To whom and what am I responsible?" were typical titles of U of T YMCA-YWCA pamphlets. Rossinow labels these concerns existentialist—a fair enough usage of a notoriously vague label.

In their practical political judgments, the young Christians could be extremely gullible. One young U of T woman returned from a 1961 YWCA-sponsored summer tour of the Soviet bloc to give a series of talks in which she observed, among other things, how much socialism had done for the Polish people, though it might not be appropriate for America. Pro-Castro sentiments were rife. But despite this philo-communism, there were stark differences from the political style that would later characterize the full blown New Left. CFLC and other young Christian concerns

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were expressed in language that seems dated and easy to satirize, overly sincere and a world apart from the hip, ironic, and deconstructive sensibility that flourished in the sixties and now permeates much of American culture.

While this exhumation of a prodromal Christian New Left in Austin is intriguing, Rossinow's claim of real linkages between "existential" Protestantism and the decade's radicalism isn't convincingly established. A great deal of the argument seems to turn on the personage of Casey Hayden, a singular woman from Victoria, Texas, who may have been the only person who was involved in both the student Y's and the CFLC, was present at Port Huron, and was active in the early SDS. Other Texas students did move from the Christian groups into civil rights activism, but not many seem to have fully embraced the New Left. Yes, the Y's and CFLC did provide a haven for people to question societal arrangements. But even Rossinow has to concede how tentative is his argument, pointing out that "young white activists in later years were far less likely to recall the religious roots" of their outlook. After 1962 —early in the narrative scheme of a book that eventually turns into a full-scale history of the white New Left—one hears scarcely a word about Christianity in any form.

Yet one comes away with a sense that there might be more possibilities in Rossinow's general thesis than he actually pursues. A study more national in scope would surely have something to say about such a figure as California's Episcopal bishop James Pike, an early '60s rebel of a sort. And surely there are others who, like Pike, were trying to tear away at the standards and conventions of American middle-class life well before the '60s revolt took full flower. Politicized ferment in Protestant theological circles, like so much else about American Protestants, is a comparatively unexamined subject.

We are now at the beginning of a new wave of academic writing about the 1960s, produced by people who never saw a shut down campus, or heard policemen called pigs, or watched highly touted cultural figures express uninhibited admiration for Communist dictators and unrelenting scorn for their own elected politicians. It is a virtual certainty that many authors of these histories, like Rossinow himself, will evince some nostalgia for the decade, some regret that the New Left eventually cracked up without winning substantial political power. What they may not recognize is that, in ways both subtle and obvious, the '60s radicals won. If not in electoral politics then in countless other realms, the '60s left altered American mores, language, education, law, and social policy. The nation's sense of itself was altered and diminished.

It is regrettable that of all the strands that fed '60s radicalism, the sort of open, somewhat guileless, questioning attitudes described by Rossinow seem to have left the smallest imprint of all.

Coming in May:
Robert Royal on
Christopher Columbus

Impoverished Theology

The Character of God: Recovering the Lost Literary Power of American Protestantism. By Thomas E. Jenkins. *Oxford University Press. 272 pp. $45.*

Reviewed by **Gregory Wolfe**

Theologians move in two worlds, working not only with the abstract categories of philosophy but also with the highly concrete and often complex literary forms of the Bible. One of the central tasks of biblical theology is to provide a description of God that is compelling as well as truthful. If literary form is important to the theologian's task, then it follows that he must uncover names of God that are beautiful.

The past three decades have seen a host of theologians and literary critics focus their attention on the literary texture of the Bible, and also turn to look at the ways theology itself uses stories, metaphors, and

Gregory Wolfe *is the Editor of* Image: A Journal of the Arts and Religion *and editor of* The New Religious Humanists: A Reader *(Free Press).*

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other narrative strategies. From Hans Frei and Stanley Hauerwas, pioneers of "narrative theology," to distinguished critics such as Robert Alter, Frank Kermode, and Northrop Frye, to the more trendy ideological arguments of Harold Bloom and Jack Miles, the field has become crowded and contentious.

THOMAS E. JENKINS' *The Character of God* is an impressive, if flawed, addition to this body of scholarship. Written in a vigorous, snappy style, *The Character of God* is an ambitious, opinionated book that deserves to be read by specialists and nonspecialists alike.

Jenkins argues that American Protestant theology in the nineteenth century was enriched by the romantic movement in literature, producing complex and imaginative readings of God's character, especially when contrasted with twentieth-century Protestant thinkers who reduced God to a vague, distant force and ultimately subsumed the divine into their political activism. By the time Jenkins reaches the recent past, his critique mounts in intensity as he castigates conservatives, liberals, feminists, and even Martin Luther King, Jr. for their impoverished theology.

Theologians, Jenkins writes, are always tempted to portray God as an "emotionally singular" character, since this allows them to simplify matters: if God is viewed as a serene, unperturbed deity, it is easy to spin out clear, rational ethics and a harmonious spirituality. But the Bible, Jenkins argues, gives us a vastly different picture of God. God in the Old Testament is seen always in complex, anthropomorphic terms —filled alternately with wrath, mercy, and second thoughts. In the Gospels there are moments when Jesus is far from serene or single-minded, according to Jenkins: in the garden of Gethsemane, for example, and in his feeling of abandonment on the cross.

Nowhere in *The Character of God* does Jenkins discuss the larger theoretical questions surrounding the notions of a singularly versus a complexly-described God, or the relationship between our perception and God's self-disclosure. In the epilogue, he cites Jack Miles' *God: A Biography* with approval, revealing, perhaps, something of his own stance: Miles, who earned a Pulitzer Prize and a Book of the Month selection for his study of the Old Testament, also believes that God is complex—so complex that He developed multiple personalities and ultimately decided to fade into oblivion because humanity didn't need Him any more.

And yet, despite aligning himself with Miles (and receiving a blurb from him on the dust jacket), Jenkins never falls into Milesian deconstructionism. As he progresses through his survey of nineteen American Protestant theologians, Jenkins develops a case that maintains a grounding in common sense, if not in theory.

THE CHARACTER OF GOD begins in the early nineteenth century, when a more traditional Calvinism was giving way to a theology influenced by neoclassicism and sentimentalism. Both literary movements tended to stress single, overriding emotions. For neoclassicism the key trait was serenity, imagining God as the benevolent ruler of the cosmos. Sentimentalism, on the other hand, cherished sympathy above all and sought its metaphors in the intimacy of family life rather than impartial Newtonian laws.

Jenkins links literary neoclassicism and sentimentalism with Protestant theories of the atonement—the doctrine that served as the locus of theological debate in nineteenth-century America. Jenkins clearly admires the traditional Calvinist or "juristic" theory of the atonement because it is emotionally complex, balancing God's wrath against his love. The juristic theory, though, was on the defensive in the nineteenth century, when it was seen as too primitive, even barbaric, for contemporary sensibilities. Jenkins points out that conservative theologians such as Charles Hodge and, later, J. Gresham

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Machen built their theology on an essentially neoclassical image of God. The most popular theory of the atonement emerging in this era was "philanthropism," which stressed God's love above his anger. By the end of the century, philanthropism had triumphed over the more moderate "moral" or "governmental" understandings of the atonement.

Neither neoclassicism nor sentimentalism produced vibrant theology, Jenkins asserts, though he does find a rich vein of imagination in the writings of Harriet Beecher Stowe. Jenkins' chapter on Stowe, perhaps the best in the book, reveals her as an audacious and original theological writer in such books as *Woman in Sacred History* and *Footsteps of the Master*. Taking her starting point from the sentimentalist interest in domestic drama, Stowe found high tragic tension in, for instance, the relationship between Jesus and his mother.

By the time the Romantic movement hit American theology at mid-century, Jenkins notes, neoclassicism and sentimentalism were entrenched and heavily defended. Only a few obscure theologians were taken with the new spirit in art and literature, excepting the well-known but thoroughly eccentric Horace Bushnell. Nonetheless, Jenkins sees romanticism as having an invigorating impact on the theology of this period.

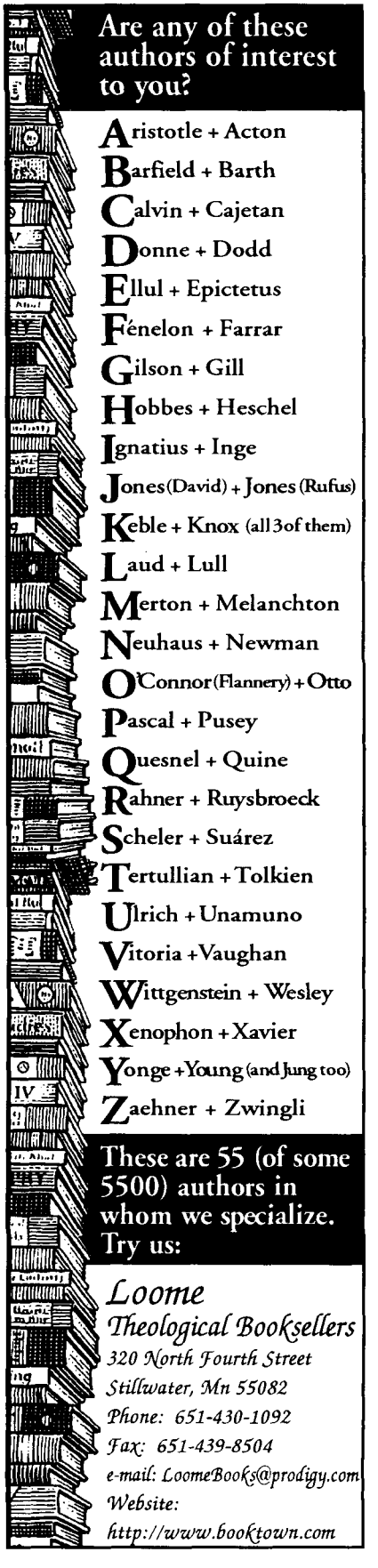
The romantic hero—emotionally ambivalent, suffering from bouts of anger and alienation—provided Bushnell and lesser-known religious thinkers like W. G. T. Shedd with rich metaphors. Shedd limned a God whose restless anger sought out sinners and stimulated them to repentance. Bushnell and Samuel Baird wrote of a God filled with an erotic desire to propagate salvation in the human race. (Shedd and Baird, like nearly all the romantic theologians, were conservatives, a fact that contradicts the common belief that romanticism serves as the handmaiden of liberalism.) In the aftermath of the Civil War, according to Jenkins, the romantic penchant for *Sturm und Drang* lost its appeal.

Jenkins is unhappy with twentieth-century developments where, in his view, liberal and conservative theologians alike insulated themselves from the currents of modern literary culture, leaving their image of God correspondingly vague, hollow, and distant. The godfather of modern liberal theology, according to Jenkins, was none other than Matthew Arnold, whose *Literature and Dogma* reduced God to "a power not ourselves working for righteousness." But conservatives, put on the defensive by Darwinism, began to be fearful and withdrew from cosmopolitan culture. Conservative theology pushed God into ever higher and more inaccessible realms of transcendence, while liberals dissolved the deity into immanent visions of social progress.

To compensate for their enervated vision of biblical faith, Jenkins claims, conservatives and liberals both politicized theology. Jenkins is, predictably, critical of Walter Rauschenbusch and the naïve optimism of the Social Gospel, but he is also hard on Rauschenbusch's most potent critic, Reinhold Niebuhr. Despite Niebuhr's stress on human fallenness and the limits of political action, he was unable to move beyond an image of a vague God troubled by "paradoxes," Jenkins writes.

The Character of God ends, gloomily, with mordant surveys of traditionalists such as Carl Henry and Francis Schaeffer, progressives like Harvey Cox, and an assortment of feminist scholars. Jenkins' comment on feminist Mary Daly pretty much sums up his "plague on both your houses" conclusion: "Like Niebuhr and Francis Schaeffer, Daly was quick to inflate what did not fit her theological and political agenda into something of totalitarian proportions."

While there is much to admire in the historical sweep and literary intelligence of *The Character of God*—and ample reason to support



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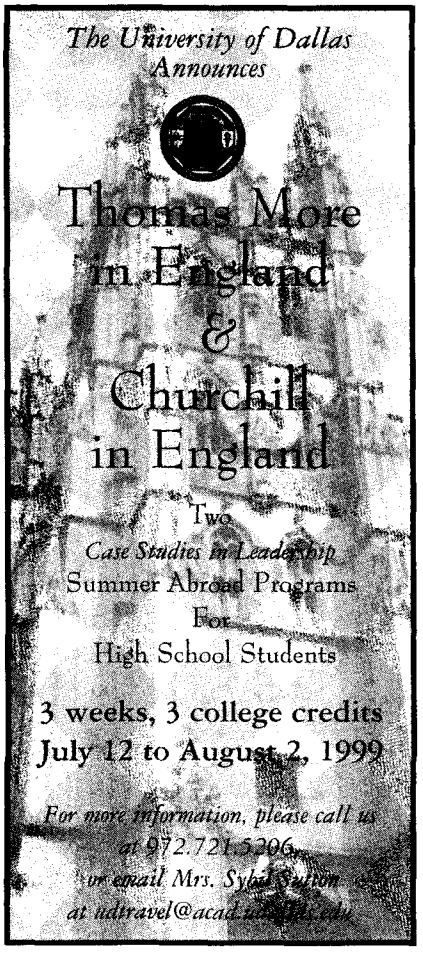
the book's dark story of a mighty tradition reduced to the small beer of politicized theology—it is marred by a number of strange lacunae and questionable judgments. For example, Jenkins takes three pages in his epilogue to praise Miles' *God: A Biography*, with its muddled and ultimately irrelevant God, but devotes only a single sentence to the fertile school of narrative theology. He also misses a golden opportunity to examine some of the towering Christian writers of the modern era—from T. S. Eliot to Flannery O'Connor to Annie Dillard—and suggest ways that their visions might help to reinvigorate the literary sensibilities of contemporary theologians.

Another puzzlement is his treatment of romanticism as a monolithic phenomenon—as if this movement remained essentially unchanged from William Wordsworth to Adrienne Rich. It never seems to occur to him that some forms of late romanticism may have contributed to the loss of emotional complexity in theological images of God. Nor does he cite many thinkers who would contradict, or at least provide exceptions to, his thesis.

PERHAPS MOST DISAPPOINTING of all is Jenkins' unwillingness to press his material toward a deeper theoretical conclusion. To my mind, *The Character of God* represents one of the most telling illustrations ever written of T. S. Eliot's analysis of modern culture. In his famous essay on "The Metaphysical Poets," Eliot spoke of a "dissociation of sensibility" that began to take hold in the seventeenth century in the wake of modern philosophy. Eliot pointed out that to a writer with a premodern mind, like John Donne, thought and feeling were fused in a single experience. But with the advent of neoclassicism, sentimentalism, and romanticism, thought and feeling—or, one might say, reason and imagination—began to diverge. In theology, it could be argued that this dissociation caused conservatives to ally themselves with legalistic rationalism while liberals fell into sentimental humanitarianism.

Jenkins chronicles in *The Character of God* the toll taken on American Protestant theology by Eliot's dissociation. Unfortunately, by choosing to back Jack Miles' rather confused horse, and failing to engage the writers and theologians who are restoring a deeper, more integrated image of God, Jenkins' book ends in anticlimax.



Rewriting the Founders

THE BILL OF RIGHTS: CREATION AND RECONSTRUCTION. By AKHIL REED AMAR. *Yale. 412 pp. $30.*

Reviewed by
Michael M. Uhlmann

EVER SINCE Professor Woodrow Wilson laid it down as an article of Progressive faith that the (original) Constitution was inadequate to the tasks of modern governance, academic scriveners have leveled whole forests to conform its provisions with what Justice Oliver Wendell Holmes once called the "felt necessities" of the times. These "necessities," by a curious coincidence, have almost always matched the policy preferences of intellectuals, who tend to see the Constitution as a kind of perpetual work-in-progress, an instrument ever open to their expert ministry.

In the first phase of Progressive reform, beginning in the closing decades of the nineteenth century, the revisionist agenda focused on populist political and social legislation, diverse formulas for economic redistribution, and the establishment of a tutelary national government. Reformers pursued these goals for the most part by means of legislation or constitutional amendment, not yet having enlisted the judiciary as an active agent of their cause. All that changed, however, during the second phase, after the Supreme Court surrendered to the policy enthusiasms engendered by the New Deal. Certain Progressive historians prepared the intellectual ground for this transition, arguing with varying intensity (and inaccuracy) that Mr. Madison's Constitution was, in effect, an elaborate hoax, an instrument whose nominal republican sentiments masked a deeper, sinister intent to protect the political and economic power of the ruling classes.

In this view, the celebrated features of the Schoolboy's Constitution—federalism, separation of powers, bicameralism, staggered elections, and the like—became artful contrivances to frustrate popular will. Somewhat later, critics revised and extended this thesis to emphasize the allegedly racist and, of course, sexist character of the

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Founding. In the third phase, which came to full flower in the decades following the New Deal revolution, an altogether new conception of the Constitution emerged, which broadened the reform agenda to include, inter alia, eviscerating more or less completely the Tenth Amendment, eliminating religion from the public square, energetically pursuing racial and sexual equality, and, more recently, legitimizing moral autonomy as the default standard for individual behavior.

THE CONSTITUTIONAL HISTORY of the past six decades, writ short, is essentially the tale of how the Founders' Constitution was transmogrified by the Supreme Court into a document of almost infinite plasticity. At the heart of this transformation lie certain assumptions concerning Section 1 of the Fourteenth Amendment, specifically whether and to what extent that section incorporated the Bill of Rights and made it applicable against the states. In his new book, *The Bill of Rights: Creation and Reconstruction,* Professor Akhil Reed Amar of Yale Law School, one of the most prolific and engaging students of the new constitutional order, engages this question. Though he appears to have little cavil with the substantive results of most Supreme Court rulings of recent years, he is troubled by the Court's reading of Section 1, and the intellectual pedigree of that interpretation. In *The Bill of Rights* he attempts to set it right.

At the risk of oversimplification, the incorporation debate has enlisted three warring factions, each supported by diverse academic armament. The first argues in favor of total incorporation, based on a highly tendentious reading of legislative history. On the Supreme Court, this view was most vigorously advanced by Justice Hugo Black, who first articulated it in a 1947 dissenting opinion. A second school, most closely associated on the Court with Felix Frankfurter, denies that the framers of the Fourteenth Amendment intended to incorporate *any* of the Bill of Rights. A third school, whose chief judicial acolyte was Justice William Brennan, argues for "selective" incorporation. Merits aside, this last view has triumphed beyond all measure, accomplishing piecemeal over time what Black and Co. sought to do at once.

Virtually the entire Bill of Rights has now been applied against the states, achieving three revolutionary results at once: 1) The original understanding of federalism has been obliterated, so that the states exercise their power now largely at the sufferance of the Supreme Court; 2) The Due Process and Equal Protection clauses of Section 1 have become a kind of witches' cauldron from which an exotic brew of postmodern nostrums has been fed into the bloodstream of the political culture; 3) The Supreme Court has successfully arrogated to itself more or less exclusive powers of constitutional interpretation.

AMAR TRIES TO establish a new theory of "refined" incorporation. Rejecting both the Black and Frankfurter positions, he seeks to move selective incorporation onto different, and perhaps stronger, historical and philosophical grounds. Much of the book, in fact, is taken up by a close look at the eighteenth-century debates over the adoption of the Bill of Rights and at the nineteenth-century debates over the drafting of the Fourteenth Amendment. Amar's thesis, in a nutshell, is this: 1) The Bill of Rights was not conceived by the framers as a charter of individual liberties in the manner now routinely employed by the Court. It was, rather, the expression of a structural compromise between Federalists and Antifederalists, through which popular government in the states would be protected against tyrannical encroachment by the national government. 2) Section 1 of the Fourteenth Amendment, especially the Privileges and Immunities Clause ("No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States"), is the true *locus classicus* of our modern conception of rights. This new understanding of rights radically altered the original federal scheme but nevertheless recaptured certain populist themes of the founding era, by moving the locus of rights from the state to the person.

Along the way, Amar makes some telling points that deserve attention. He rejects, for example, the still-fashionable idea that the Constitution was an antidemocratic document. If anything, he inclines toward a rather too aggressive populist understanding of the Founding, in part, one is led to suspect, because that sentiment allows him to connect the Founders to the authors of the Fourteenth Amendment and both of them, in turn, to the work of the modern Court. Amar considers himself a textualist, one who abjures free-wheeling

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constitutional invention and insists that constitutional meaning must be extracted from the words of the document itself, rightly construed. But by the time he's done construing constitutional text and legislative intent, the impression is that he's too clever by half.

His argument on the legislative history of the Fourteenth Amendment, for example, rests on a strained parsing of the Reconstruction debates intended to show that the Privileges and Immunities Clause (which the Supreme Court effectively eviscerated shortly after the Amendment's adoption) was intended to make the Bill of Rights operative against the states. That Amar here plows ground already plowed to different effect by numerous others is not necessarily a fatal defect. Nor is the fact that certain parts of the legislative debate cut against his thesis. Parliamentary debates, after all, seldom move in a straight line, and legislators are hardly masters of logical development. Nevertheless, for all his artful linguistic deconstruction, Amar has no effective answer for the most obvious question of all: If in fact the framers of the Amendment intended to apply the Bill of Rights against the states, why didn't any of them say so? Such a purpose would have been rightly understood as a revolutionary alteration in our constitutional structure. It beggars belief to think that such a proposition could have been advanced and adopted in the dark.

THE FIRST PART of Professor Amar's thesis, concerning the original intent of the Bill of Rights, may come as news to those who take their constitutional history from Supreme Court opinions, but it is hardly original and, in any event, pulls up short. In broad terms, Amar is certainly correct, but his argument has been better stated, for example, by Robert Goldwin's *From Parchment to Power: How James Madison Used the Bill of Rights to Save the Constitution*, a work which Amar does not mention and with which he is apparently unfamiliar. This is a shame, for in Goldwin's elegant and magisterial reflections, we have what must be considered the definitive account of the relationship between the Constitution of 1787 and the first ten Amendments. Unlike many of his peers, Amar sees the symmetry between the original Constitution and the Bill of Rights, but, unlike Goldwin, he does not fully appreciate how the very structure of the Constitution itself operates as a bill of rights, or how a different constitutional structure could render the actual Bill a nullity.

It is not clear precisely what would follow from Amar's effort to revivify the Privileges and Immunities Clause. Here is a question to ponder: If, as Professor Amar insists, that clause incorporated the Bill of Rights and gave us the modern conception of individual liberty, does he wish to suggest that it would also justify the result in *Roe v. Wade*?

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The Elusive Hamilton

ALEXANDER HAMILTON: AMERICAN. By RICHARD BROOKHISER. *Free Press. 256 pp. $25.*

***Reviewed by* George McKenna**

NATIONAL REVIEW senior editor Richard Brookhiser has followed up his successful 1996 biography of George Washington (*Founding Father: Rediscovering George Washington*) with a biography of Alexander Hamilton. Like the Washington biography, this is a compact, readable volume filled with vivid anecdotes and neatly put observations. But unlike the author's confident treatment of Washington, this book seems to have trouble getting a handle on its subject.

This is not entirely Brookhiser's fault. Hamilton is one of the most elusive of our Founders. John Adams called him "the bastard brat of a Scotch pedlar," but this wild caricature only gets his story started. Born in the British West Indies of an émigré Scot who never married his mother and deserted the family when he was nine, Hamilton went to America in his teens, got a cram legal education at King's College (now Columbia University), wrote pamphlets supporting the revolution, and began his career under Washington. Where he went from there, and what kind of man he became, is harder to summarize.

WITH GEORGE WASHINGTON, Brookhiser could fasten upon a single trait, Washington's impressive silences. Deliberately adopted, Washington's laconism proceeded from his lifelong regimen of self-control as well as his understanding that men are moved more by character than by argument. But with Hamilton there were no impressive silences; he was always talking. "Hamilton's public life was con-

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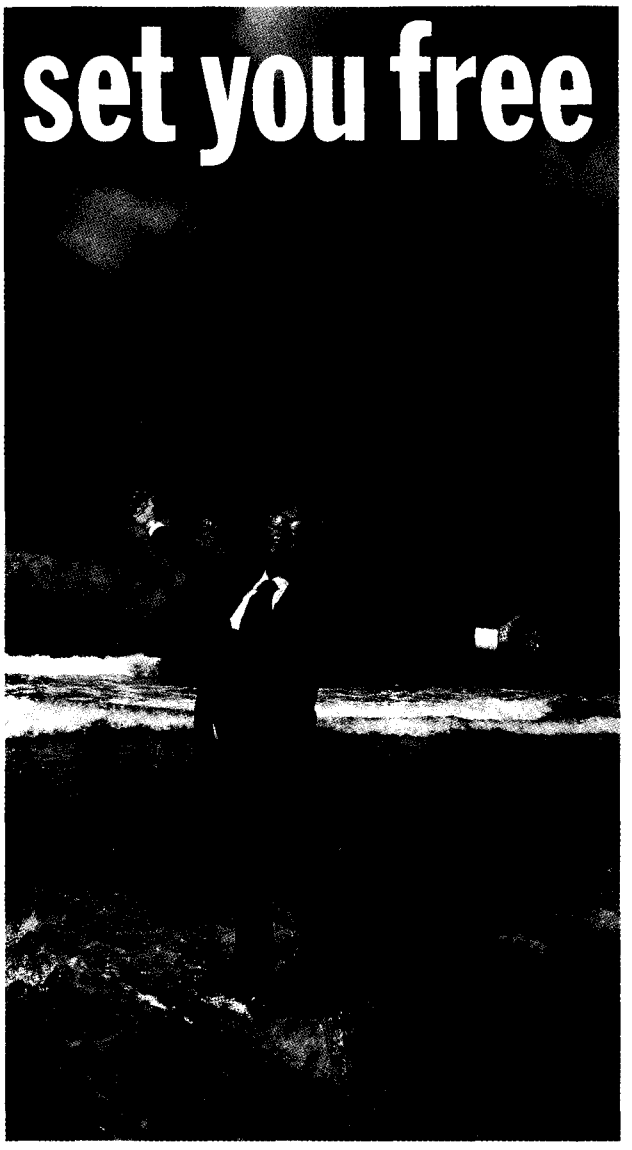

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ducted in a torrent of words." Everything was reports, debates, articles, speeches—and, apparently, rehearsals of speeches.

Brookhiser quotes from a letter that Philip Schuyler, Hamilton's father-in-law, wrote to his daughter. A storeowner in Kinderhook, New York, had seen a man walking up and down in front of his store, "his lips moving rapidly as if he was in conversation with some person." When the man came in afterwards and asked to change a $50 dollar bill, the owner refused, not wanting to be held responsible if the madman later lost the money. "Pray ask my Hamilton," Schuyler said at the end, "if he can't guess who the Gentleman was." At one point Brookhiser suggests that there was nothing more to Hamilton than arguments. "He was his arguments. Failure to persuade threatened his existence, as well as his citizenship." If that were literally true, we wouldn't need a biography of Hamilton, we could just read the arguments. Brookhiser in fact has much to say about Hamilton beyond his arguments, but he has trouble finding a focus.

LET'S TURN AGAIN to Brookhiser's Washington biography. He ends it with Richard Henry Lee's famous characterization of him as "first in war, first in peace, and first in the hearts of his countrymen." Hamilton, in his early twenties during the Revolution, was the First in War's "aide-de-camp," a factotum. (Washington had the unfortunate habit of referring to him as "my boy.") He was also a distance away from being first in peace, but not too far. He pushed hard for the Constitutional Convention, and got himself appointed delegate, though he absented himself from much of it after the members pointedly ignored his own quasi-monarchical plan of government. He signed the Constitution without enthusiasm, but then worked feverishly for its ratification. Brookhiser reminds us that Hamilton wrote two-thirds of the eighty-five *Federalist Papers* published in New York newspapers. These articles, with their serene and even tone, were tossed off in enormous haste, in some cases as the printer waited in the next room for copy. Hamilton's gonzo journalism played a critical role in moving New York—a key state—to ratify the Constitution.

Hamilton's final stretch of public service came during his tenure as Secretary of the Treasury in Washington's cabinet. His reports to Congress on public credit, manufactures, and the Bank of the United States charted the future of industrial capitalist America at a time when 95 percent of the nation was rural and the term "capitalism" hadn't yet been coined. He even launched an ambitious project for utilizing the waterfalls at a site on the Passaic River in New Jersey to produce manufactured products and create a manufacturing village. It failed—lack of sufficient capital and skilled workers were among the reasons—but it anticipated by several decades the mill towns of the Northeast.

Indeed, some of Hamilton's observations anticipate the uglier aspects of those mill towns. "Women and children are rendered more useful, and the latter more early useful, by manufacturing establishments, than they otherwise would be," he wrote in his *Report on Manufactures,* and went on to note with approval that most workers in British cotton mills "are women and children, of whom the greatest proportion are children, and many of them of a tender age." Hamilton, Brookhiser explains, had started work himself, clerking at his mother's store, at age nine, and couldn't understand why American children couldn't do the same. The more likely explanation for Hamilton's attitude is that poor kids everywhere in those days worked at a "tender" age, and working them in cotton mills may not have been worse than working them on farms that bore absolutely no resemblance to the one in *Charlotte's Web.*

Useful in war, prescient in peace, how did Hamilton stand in the hearts of his countrymen? He made enemies literally left and right. Jefferson disliked him largely because of his elitist, anglophile politics, but John Adams, whose philosophy was much closer to his, called him "the most restless, impatient, artful, indefatigable, and unprincipled intriguer in the United States." As for Aaron Burr, who had

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no philosophy beyond his own ambitions, Hamilton's relentless attacks finally goaded him into the fatal "interview" at Weehawken.

Even praises of Hamilton tended to be convoluted and defensive. Fisher Ames, who admired him deeply, said that Hamilton "had not made himself dear to the passions of the multitude by condescending . . . to become their instrument." Before Hamilton's funeral, Gouvernor Morris, a longtime friend, confided to his diary that Hamilton "was indiscreet, vain, and opinionated." In his eulogy, this was transformed into "he bore" his heart "as it were in his hand." But that doesn't sound right either. Hamilton seldom showed his heart in public; his polemics relied more on cold logic than sentiment. As Brookhiser notes, Hamilton tended to think in big solid blocks of argument, making it harder for us to pull out defining epigrams than we can with Jefferson's writing.

SO, THEN, HOW can we define him? Can we do it by connecting him with the early influences in his life? The least impressive passages in Brookhiser's book are his desultory attempts to explain Hamilton the man by finding links to his boyhood in the West Indies. As we have seen, he makes a try at tracing Hamilton's approval of child labor to young Alexander's drudgery as a store clerk, without considering the simpler explanation that in those days hardly anyone voiced disapproval of child labor.

It is, to be sure, tempting in Hamilton's case to find the child in the man. Many commentators have noted that Hamilton's foreign origins may account for his "continental" vision, his ability to grasp America as a whole instead of seeing it as a mosaic of states and localities; and the fact that Hamilton's father was a deadbeat may help explain his lifetime quest for respectability and lineage. (The Grange, the name he bestowed on his country retreat in upper Manhattan, he took from the Hamilton estate in Scotland.)

But "Rosebud" explanations ultimately fail to explain Hamilton's mature thought and character, as is evident in Brookhiser's unpersuasive attempt to find a link between Hamilton's boyhood environment, his dislike of slavery, and his devotion to contracts. "He came from islands where slaves outnumbered freemen twelve to one. . . . Some combination of temperament, principle, and marginality caused him to dislike the institution rather than support it. But he could not ignore it. Nor could he ignore contracts. The islands were both dependent and isolated. . . . Contracts were their lifeblood." The latticework gets so complicated that he finally abandons it and goes on to a safer discussion of Madison and Jefferson.

If we can't find the man through the child, can we find him at all? I believe we can, or at least get a glimpse of his characteristic strengths and weaknesses, in the "Reynolds affair." Brookhiser touches on it inter alia, but I think he could have made more of it. It sheds light not only on Hamilton's character but on the broader issues of public and private morality that Americans have been pondering (or dodging) for the last year or so.

IT BEGAN ONE day when Hamilton was working in his Treasury Department office in Philadelphia. A beautiful woman in her early twenties, Maria Reynolds, came in and told him a pathetic story of being abandoned by her husband. She was without funds. Could Hamilton give her means to get back to New York? He said he had no money on him but that he would bring a bank bill to her lodgings that night. When he arrived, it soon became clear, as Hamilton later wrote, "that other than pecuniary consolation would be acceptable." They had sex that night and several nights thereafter, over a period of months.

In the midst of the affair the husband reappeared, expressed outrage, but promised to be consoled for a $1,000 cash payment. Hamilton paid, and the husband not only kept quiet but encouraged the affair. Soon, however, new demands were made—for "loans," in exchange for worthless IOUs. Hamilton paid again. James Reynolds now discovered that there was a vacant clerkship in the Treasury Department, and asked Hamilton for an appointment. Hamilton refused, so Reynolds demanded another "loan."

Then, suddenly, Reynolds and an equally crooked partner were arrested for an earlier swindle involving forged claims against the government. He sent word to Hamilton that his silence would continue if Hamilton would use the influence of his office to get him out of jail. Hamilton refused, whereupon Reynolds and his partner, who was in jail with him, began talking to some political enemies of Hamilton—three Republican Congressmen, including future President James Monroe. Reynolds and his partner not only revealed the sexual affair but also charged that Hamilton had been speculating in government securities while in office, and produced incriminating letters that they claimed Hamilton had written.

Confronted by the Congressmen with these charges, Hamilton invited them to his home that night, and told them the whole story of his affair—in such detail that they begged him to stop. But he continued to the end, and showed them letters proving that the letters supposedly written by him were forgeries. Satisfied, the Congressmen left, promising to keep the sexual affair secret. But word soon leaked out, was whispered about in political circles, and got into print five years later in a publication by James Callender, the Larry Flynt of his day. (Callender later turned on Jefferson, his onetime patron, and broke the story of Jefferson and his slave Sally Hemings.) Not content with the true story of Hamilton's affair, Callender embellished it with the false allegation that Hamilton had conspired with Reynolds in corrupt speculations.

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Here is how Hamilton reacted. Against the advice of his friends, who said that he should not open up old wounds, he published his own pamphlet confessing to an "irregular and indelicate amour," again telling the story in near-salacious detail. But in his pamphlet he scornfully denied the charge that he had had any corrupt dealings with the likes of James Reynolds. One would have to suppose him, he said, "not only meanly unprincipled but a fool" to imagine him stooping "to employ such *vile instruments* for such *insignificant* ends." Just as his friends warned, Hamilton's confession supplied new ammunition to the Republican press; to the end of his life Hamilton was portrayed in it as a lecherous intriguer—an *admitted* adulterer—and a destroyer of female virtue.

WHAT DOES THE episode say about Hamilton? On the one hand, it reveals a serious weakness; yes, he was the victim of a well-planned scam, but he was a willing victim, and he recklessly continued the affair long after the blackmail began. Where Hamilton drew the line was when he was asked to use his office to cover up the affair, first by finding Reynolds a job in the Treasury Department, later by using his connections to get him out of jail. He refused these demands even though he had to know that his refusals would lead to Reynolds' exposure of the affair. And when the public exposure came, what bothered Hamilton most was not the charge of being an adulterer and a fool. What really bothered him, what horrified him, was the thought that people could suspect him of using his office for private gain. He could have ignored Callender's charges, or he could have said, "Well, what can you expect from a libeller like Callender?" (which is what Jefferson had his friends say about the Sally Hemings revelations). He could have simply let it alone; the whole business was long over and no one was subpoenaing his testimony. People would soon forget. Why pick at old scabs?

But no, against the advice of his friends, to the mortification of his wife, to the glee of all his enemies, he shouted to the nation that he had betrayed his marriage. He shouted it to refute the charge that he could ever betray his nation.

BRIEFLY NOTED

CANON AND CRITERION IN CHRISTIAN THEOLOGY: FROM THE FATHERS TO FEMINISM. By WILLIAM J. ABRAHAM. *Clarendon. 508 pp. $110.*

This book proposes a conceptual revolution, the refurbishing of the patristic understanding of canon as first of all a means of grace rather than a criterion of truth and falsity in faith and morals. On this early view, Scripture is seen along with other canonized instrumentalities of God's grace and guidance as chiefly soteriological rather than epistemological. It is classified with, for example, holy icons, holy saints, and holy practices ranging from communal worship and sacraments to individual moral and devotional disciplines. Its basic role is to promote sanctity and discipleship. The epistemological use of Scripture as criterion is in this canonical perspective secondary. If this order is reversed and Scripture is treated as a norm of truth and falsity independent of prior immersion in it as means of grace, divisiveness is inescapable. Epistemic criteria are disjoined, and the Bible, tradition, the Magisterium, reason, and experience become competing rather than mutually supportive authorities. Readers sympathetic to this patristic perspective will find the gist of the story convincing, but by no means all of the details. The disastrous role the author attributes to St. Thomas, for example, while not altogether unfair to later Thomism, depends on unbalanced caricatures of what Aquinas himself thought. Abraham is better on the Reformers because of his awareness that their actual theological practice is often superior to their *sola scriptura* polemical excesses, but even here he at times sounds more like a prosecuting attorney than a well-informed and fair-minded scholar. A similar apparent lack of information and charity infects his accounts of those, such as Newman and Barth, whom he praises for trying (though failing) to correct the disorders of privileging criterion over canon, epistemology over soteriology. His historical narrative, in short, is a mixture of the persuasive and the unpersuasive. Unfortunately this mixture weakens the impact of the book. We can hope that Professor Abraham will produce or inspire others to produce improved versions of the historical narrative of which this is, in effect, a first draft.

— *George Lindbeck*

THE JEWS OF MODERN FRANCE. By PAULA HYMAN. *University of California Press. 295 pp. $45 cloth, $16.95 paper.*

This is the first volume in what will become the University of California Series on Jewish Communities in the Modern World. In it Paula Hyman, Professor of Modern Jewish History at Yale, traces the efforts of the Jews of France since the Revolution to enjoy the benefits of emancipation without disappearing through assimilation. She argues that "the French Jewish experience is paradigmatic of Jewish modernity [but] also bears the particular imprint of French history and culture," and she is persuasive on both counts. Certainly, contemporary French Jewish debate about the need to place Jewish religious practice back at the center of Jewish life, and renewed emphasis on the importance of Jewish day schools, will sound familiar to American Jews. Moreover, Hyman rightly stresses the role of immigration in French Jewish life, including the arrival of more religious North African Jews in the post-World War II period. Yet French Jewish history is very different from that of

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American Jews, and Hyman's account of modern French anti-Semitism (as a key element in anti-republican nationalism) and her description of the Holocaust and Nazi occupation of France make this very clear. This is less a full history of Jewish life in France than an examination of the struggle to achieve a sustainable Jewish identity in a culture both similar to and different from our own.

— *Elliott Abrams*

TENDING THE HEART OF VIRTUE: HOW CLASSIC STORIES AWAKEN A CHILD'S MORAL IMAGINATION. By VIGEN GUROIAN. *Oxford University Press. 198 pp. $22.*

This book deserves a wide audience and a place on the shelves of parents and non-parents alike. Guroian, professor of ethics and theology and father of two, set out to write a book that would not only indicate some stories worth reading to children, but also explain, in learned but accessible terms, why such stories are worth teaching. Guroian used children's stories to teach his children, and uses them now in teaching his college students how to think about ethics. The heart of the book is Guroian's careful, detailed discussion of some classic stories, ten in all (not counting the additional stories discussed in a concluding bibliographical essay). Each story is analyzed with respect to one of the themes indicated by the five organizing chapters: "On Becoming a Real Human Child," "Love and Immortality," "Friends and Mentors," "Evil and Redemption," and "Heroines of Faith and Courage." (At a few points we are also treated to gentle but decisive explanations of just how Disney adaptations have compromised—and in some cases eviscerated—the original moral content of some classic tales: *Bambi, The Little Mermaid,* and *Pinocchio.*) A danger of detailed analysis is that it too often becomes dissection, leaving its object dead. Guroian's loving discussions of these stories do more than respect their integrity; they make the stories, and their variously lovable characters, alive again for adults. Guroian's hope is that adults can in turn use them to enliven the hearts of children. Yes, as Guroian knows, there are virtues, and yes, they can be taught—so long as the education appeals to the affective as well as the cognitive dimension of man. Guroian reminds us how good fairy tales can make such appeals; in doing so he has written a book that itself appeals to both heart and mind.

— *Joshua P. Hochschild*

MAYBE ONE: A PERSONAL AND ENVIRONMENTAL ARGUMENT FOR SINGLE-CHILD FAMILIES. By BILL MCKIBBEN. *Simon & Schuster. 234 pp. $23.*

"The next fifty years will be crucial to our planet's future," says Bill McKibben, because they "could so devastate the earth's biology [sic] that it will never again be able to support life as abundantly as it does at present." Given such urgency, what should we do? Should the government crack down on, well, everything? Should the UN develop an environmental army? Should we push our scientists into overdrive and prepare to colonize Mars? Well, McKibben says, nothing so strong as that. The real problem is that there are too many people, especially rich people, and all the people are putting out too much carbon dioxide and using up too many precious resources. China's "one-child" solution to the populo-environmental crisis is a bit strong —"control of one's body, the decision to reproduce, is far more sacred than, say, property rights," after all. What we really need is to get over the "psychological prejudice" that an only child is necessarily lonely and unhappy, and work to make single-child families "a cultural norm." McKibben, a former staff writer for the *New Yorker,* lives in the Adirondack Mountains with one daughter and a vasectomy, so he has done his part. As a result, he reports, he has freed up more family resources for his daughter, prevented the conversation at home from being dominated by kids, and generally found it easier to be a parent, all out of a spirit of generosity for the planet (and not the selfishness of the contraceptive mentality). So much false information, so many bad ideas, in so few pages. With this heartfelt book, environmentalism has replaced socialism as the crusade of choice for idealistic fools.

NEVER AT WAR: WHY DEMOCRACIES WILL NOT FIGHT EACH OTHER. By SPENCER R. WEART. *Yale University Press. 432 pp. $35.*

The "will" in the subtitle is a prediction, and requires Weart to engage in a fair amount of historical distinction-making, over which scholars will probably have no small amount of disagreement. This hybrid of history and political science makes the daring though commonsense argument that democratic forms of government, when animated by a culture that has learned how to accommodate fierce internal disagreements and defuse boiling tensions, will produce leaders who solve problems abroad using the same nonviolent strategies that keep the peace at home.

DID DARWIN GET IT RIGHT? CATHOLICS AND THE THEORY OF EVOLUTION. By GEORGE SIM JOHNSTON. *Our Sunday Visitor. 176 pp. $14.95.*

This is familiar stuff for many FT readers. Johnston starts with a nice overview of Darwin's life and times as well as his philosophical commitments. He then identifies the flaws in Darwin's theory, especially certain gaps in the evidence that remain to this day. He concludes with a reflection on Catholic teaching on evolution. This is the kind of book that you give to skeptics who suppose all Christians are mindless buffoons, and to fundamentalists who believe a total rejection of critical scientific thinking is a faithful response, and to conscientious ag-

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nostics who want to believe but think science stands in the way.

THE CATHOLIC TRADITION. By THOMAS LANGAN. *University of Missouri Press. 355 pp. $34.95.*

A big book that tries to take on the whole shebang, so to speak, from the very beginning up to this morning's newspaper. It rambles and seems eccentrically organized at times, but Langan, professor emeritus of philosophy at the University of Toronto, has a remarkably wide-ranging grasp of the Catholic reality both past and present, and his book is chock-full of quotes and documentation that will be of value to serious students of Catholicism.

POLITICS OF THE LESSER EVIL. By ANTON PELINKA. *Transaction. 259 pp. $44.95.*

A study in political ethics that presents in a favorable light the role of "dictator and democrat" General Wojciech Jaruzelski in Poland's transition from communism. There are interesting challenges here to the conventional narrative, but confidence in the author's credibility is severely undermined by his getting through the story with nary a reference to a certain bishop, Karol Wojtyla, who almost everybody else thinks was at the center of it.

LIBERAL ISLAM. Edited by CHARLES KURZMAN. *Oxford University Press. 340 pp. $49.95 cloth, $24.95 paper.*

The title of this anthology is not an oxymoron, although some may think it comes close. Thirty-two Muslim essayists affirm conventional Western liberal doctrines such as the separation of church and state, the equal rights of women, and freedom of thought and speech. It is important to know that there are such Muslim thinkers, although those concerned about Samuel Huntington's "clash of civilizations" never doubted it. The question is how representative they are and the measure of their influence. The answers provided in this collection are, on that question, cold comfort.

A WALL OF SEPARATION? DEBATING THE PUBLIC ROLE OF RELIGION. By MARY C. SEGERS and TED G. JELEN. *Rowman & Littlefield. 184 pp. $48.50 cloth, $14.95 paper.*

The heart of this book is the debate between Jelen, a self-named "religious minimalist" who argues that "we should regard religious faiths and religious beliefs with a good deal of suspicion," and Segers, who contends that "religion promotes and enhances democracy in the United States." Their two reasonable and constructive essays are supplemented by readings from other American thinkers on the nature of church-state relations and a small selection of relevant court cases. All in all, a useful primer on a perennial dispute.

AN INSTANCE OF THE FINGERPOST. By IAIN PEARS. *Riverhead. 689 pp. $27.*

A historical mystery novel of very considerable philosophical, even theological, interest. The year is 1663 and the monarchy has just been restored under Charles II, but all kinds of radical skullduggery are still afoot. Robert Boyle, John Locke, and other worthies are embroiled in the repercussions of the murder of an Oxford professor that catches up the suspicions and passions of the time. The story is effectively, but misleadingly, told in several versions by different participants, and the surprising denouement, which, of course, cannot be revealed, rewards the reader's keeping an eye on a gentleman from Venice who turns out to be someone very different indeed. A first rate instance of this genre.

VOUCHERS FOR SCHOOL CHOICE: CHALLENGE OR OPPORTUNITY? AN AMERICAN JEWISH REAPPRAISAL. Edited by MARSHALL J. BREGER and DAVID M. GORDIS. *Wilstein Institute of Jewish Policy Studies. 197 pp. $12.95.*

School vouchers have not been much of an issue for American Jews thus far; it has usually gone without saying that they were opposed. Breger and Gordis issued a challenge to this unexamined assumption with a conference in May 1997 to give school vouchers another look. Most of the essays in this volume are papers or summaries of group discussions, but a few additional papers from other sources fill out the book. The perspectives are both sympathetic and skeptical, examining the impact of school vouchers on American society, church-state separation, and the Jewish community. While no conclusive decision is reached, the kind of intelligent and civil debate represented here is always refreshing.

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THE PUBLIC SQUARE

A Continuing Survey of Religion and Public Life

Richard John Neuhaus

The Dying of the Academic Light

The long history of colleges and universities betraying their founding purposes is well told in Father James Burtchaell's doleful and instructive *The Dying of the Light: The Disengagement of Colleges and Universities from Their Christian Churches* (Eerdmans). It is a complex of problems facing all church-related schools, but is now coming to a head among Catholics. Throwing down the gauntlet to the National Conference of Catholic Bishops (NCCB), Fr. J. Donald Monan, chancellor of Boston College, and Fr. Edward A. Malloy, president of Notre Dame, assert in an article in *America* that the bishops' provisions for implementing the 1990 apostolic constitution, *Ex Corde Ecclesiae* (From the Heart of the Church), are unacceptable. The purpose of *Ex Corde Ecclesiae* is to revitalize the authentically Catholic character of the Church's colleges and universities. The gist of the Monan-Malloy protest is that, whatever may once have been the case, these institutions are no longer in any way the Church's.

Their position is that of the opening paragraph of the 1967 Land O' Lakes Statement: "To perform its teaching and research functions effectively the Catholic university must have a true autonomy and academic freedom in the face of authority of whatever kind, lay or clerical, external to the academic community itself." The one authority external to the academic community that is not challenged is that of the government. Indeed that authority is invoked and exaggerated in order to deny the authority of the Church. Monan and Malloy write: "Catholic colleges and universities in the United States were established and hold their degree-granting charters from the several states. Under civil law, it is their board of trustees or directors who hold ultimate governing authority and responsibility for carrying out the university's mission." The syntax is garbled, but they would seem to be making the remarkable claim that Catholic colleges and universities were established by the states, which is obviously contrary to fact, and are governed by civil law, which no state has presumed to claim.

The historical fact is that, until the Land O' Lakes declaration of independence, Catholic schools established by Catholics had boards of directors responsible for seeing that they continued to be what they were established to be. The Monan-Malloy objection is to the proposals "that Catholic teachers of theological disciplines hold a mandate from ecclesiastical authority; that theology professors and some administrative officers make a profession of faith and take an oath of fidelity upon assuming appointment; and that colleges condition an individual's appointment on integrity of doctrine and good character." They cannot honestly be afraid that any state in the Union would say that a Catholic institution cannot implement such proposals. Of whom, then, are they afraid?

It comes back to what Land O' Lakes meant by "the academic community itself." Monan and Malloy write, "The universities' acceptance of the obligations [proposed by the bishops] would mean the sacrifice of many of those prerogatives that make Catholic universities and their professional staffs the respected and influential members of the higher education community that they are." Even more revealingly and poignantly, they say at another point that the colleges and universities desire a bishops' document that "they would be proud to display to sister institutions of higher education." In sum, they want to be Catholic without embarrassment, which means being Catholic in a way that entails no embarrassing differences from the institutions of "the academic community" that they emulate. Message to Harvard, Princeton, and Dartmouth: "Yes, there is that vestigial 'Catholic thing' about us, and we don't want to disown it outright (that would upset both the alumni and play havoc with recruitment), but in fact we are just like you, or are trying hard to be. Please let us continue to be

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'respected and influential members' of your community."

In the Monan-Malloy view, Catholic schools are concerned about three players: the government, the prestige institutions that define "the academic community," and the Catholic Church. The first two are enlisted against the third. The enlistment of the first is an obvious ploy. To the second they are positively obsequious. Only the third is not deserving of deference. The bishops will, one hopes, continue to make clear that this is not acceptable on the part of institutions that want in the future to be recognized as Catholic by the Church. Fr. James J. Conn, dean of St. Mary's Seminary and University in Baltimore, argues in the same issue of *America* that there are many important questions still to be worked out, but, contra Monan and Malloy, they are questions about how, not whether, *Ex Corde Ecclesiae* will be implemented.

FT

BEARING WITNESS

When the vagaries of American life and culture seem too much to bear, a dramatic change in perspective is in order. *Break Point,* a new book by Slovak Catholic layman Silvester Krčméry may be just the thing (Crossroad, 315 pp., $19.95). It is the story of his arrest and imprisonment by the Communist government of the former Czechoslovakia during the critical years of 1951-1964. Krčméry paid a stiff price for his "treasonous" commitment to the gospel and the Church. He tells the story as "the true account of brainwashing and the greater power of the gospel," and his account of thirteen years under brutalizing circumstances both horrifies and inspires. Michael Novak says in the preface, "By his witness, Silvo has ennobled the entire Slovak nation," and he is right.

Krčméry's telling is simultaneously disinterested and passionate. As a medical doctor, he offers a cool and clinical analysis of the techniques employed by the persecutors to induce mental submission, and his techniques in resisting theirs. Then there are the physical tortures: standing for fifty-two hours straight, long exposure to below-freezing temperatures, beatings by drunken interrogators. In dredging up these painful memories, the author is again assailed by the wrenching headaches and backaches he experienced in prison. But, as painful as it is, he believes he must remember: both to witness to God's mercy in upholding his people, and to expose the evil done to them, in hope that it will never be repeated. There is no personal vindictiveness, however. Simply and convincingly, he forgives his enemies.

It is not too much to say that Dr. Krčméry accepted his cross gladly, and received solitary confinement as a divinely ordained spiritual discipline. He fondly recalls his daily "program" in prayers, contemplation, recitation of the Gospels, and translation of those memorized texts into other languages. He studied foreign languages with other prisoners, and regrets learning only eight hundred Chinese characters. All the while he was evangelizing, trying to extend the mission of Catholic Action, the outlawed group which it was his crime to belong to. His enthusiasm for the Eucharist, and constant vigilance lest it be defiled by the haters of God who surrounded him, stands out like a light in his grim circumstances.

It might be presumptuous to say that one was humbled by the book, but it does put one in touch with authentic humility. The utter transparency with which Krčméry examines his heart and actions to see what he might have done differently, and how, is striking. More than once he tried to get a transfer to the uranium mining camps where many of his fellow Christians were dying slow and terrible deaths, but he was kept working in the prison infirmary, both because of his medical skills and to hinder his evangelizing. He declined offers of amnesty, since experience taught him that the release of some inmates meant worse treatment for those left behind. He even protested his nine-month-early release from the camps in 1964, wishing to serve out his entire unjust sentence. It almost strikes one as perverse, except he makes it seem so self-evidently right. He writes about leaving the camp: "Thus, with a strange feeling of defeat, with expectations as well as sadness, I began to pack my things. I said goodbye to friends, acquaintances, hooligans, thieves, and warders. And to those thirteen, at least from the Christian point of view, beautiful years of my life. Even though they were spent behind bars and barbed wire." Bracing stuff, that.

FT

CEASEFIRE

The third big thick volume of *The Catholic Social Science Review* has arrived, and I see it has a symposium on "David Schindler vs. Neoconservatism." As long-term readers know, Professor Schindler is editor of the theological journal *Communio* and for some ten years now he has taken upon himself the task of taking to task the Catholic neoconservatives (Michael Novak, George

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Weigel, and your scribe) for their alleged compromise of Catholic social doctrine in their dalliance with the liberal tradition, of which the American experiment is part. In his part of the symposium, Mark Lowery of University of Dallas offers an overview of the controversy and concludes with a list of propositions to which he thinks all parties could agree:

a. While the Church respects the proper autonomy of the temporal order and never favors any one particular political regime in principle, the liberal state is *compatible*, in practice, with Catholicism, as articulated in *Dignitatis Humanae*.

b. The extent to which the liberal political order is a good setting for the Catholic faith is a legitimate matter for continued discussion. The "Catholic Moment" theory ought not be construed in such a way as to suggest that the liberal regime is necessarily the ideal home for the Catholic faith in this world, even if it is the best available home at the present time.

c. The liberal state is something of an indeterminate and, hence, vulnerable entity. While in its current American manifestation it is less than promising, it contains a capacity for improvement. Liberal ideology need not accompany liberal institutions.

d. Concretely speaking, the liberal regime, for all its vulnerabilities, is the best political option currently available. This is not to say that the Church endorses it (a strategic alliance) as her favored choice of all conceivable political regimes, which would violate the Church's principle regarding the proper autonomy of the temporal order.

e. The liberal state in America will never totally harmonize with the richness of the Catholic onto-logic (nor could any temporal regime); still, the cultural dimension of a liberal regime (as well as the economic and political dimensions insofar as they are affected by the cultural dimension) can participate in that logic. While shunning a strategic alliance with liberalism, we can make varying kinds of tactical alliances with it.

f. The degree of that participation, and the ways in which such participation might be increased, is an important matter for continued discussion. Varying kinds of tactical alliances can and should exist side by side. Undoubtedly, a Protestant ethos pervades much of American life, but even that ethos can and does participate in Catholic truth, and can be nourished by contact with the Catholic tradition.

g. Catholics should strive to bring the fullness of their faith to their engagement in the temporal order, even though the temporal order never will echo perfectly that fullness (the "eschatological principle" in Catholic social thought).

h. Because that faith is so much under siege, we must be especially dedicated to work in harmony with one another, nourished by a theological and pastoral magnanimity within the parameters of the authentic Catholic faith.

I might have an editorial quibble with a phrase or two, but sign me on. I haven't checked with Novak or Weigel, but would be surprised if they did not agree. Whether or not this means a ceasefire is mainly up to Prof. Schindler, who, one notes with all respect, has been doing 90 percent of the firing. (*The Catholic Social Science Review*, an annual, is available for $10 plus $3 postage from Franciscan University Press, Steubenville, OH 43952.)

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Who Is a Jew? What Is Israel?

The beginning of the year witnessed a new and virulent eruption of Israel's perennial identity crisis. At a time already confused by turbulent campaigns in the national election, the courts handed down decisions challenging the Orthodox rabbinate's control of religious affairs, which, in a state that defines itself as Jewish, means also affairs that in other countries would not be defined as religious. "Isn't this the lesson one recalls from American history?" asks Rabbi Uri Regev, a leader of the small Reform movement in Israel. "A recalcitrant Congress motivated by less than noble considerations and a Court that emerges as the beacon of light and defender of civil liberties." Judicial usurpation of politics, anyone?

But the parallels between the U.S. and Israel are limited. The U.S. in its founding was a Christian, mainly Protestant, society, as it is still, however confusedly, a Christian society today. The polity adopted here is religiously neutral, which does not mean—contra the jurisprudence of recent decades—that it is anti-religiously secular. Any religious test for citizenship or public office, for instance, is forbidden. Since the days of the Romans, by way of contrast, there was no Jewish state until the establishment of Israel in 1948. Unlike Christianity, which has had two thousand years of numerous experiments with different polities, Judaism as a collectivity completely missed the experience of

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nation-building and statecraft, including the modern emergence of liberal democracy.

The Zionist founders of contemporary Israel were typically secularists and frequently antireligious. But a deal was struck in which the Orthodox rabbinate would have control over religious matters such as marriage, Sabbath observance, food laws, and, very importantly, determining who is and who is not a Jew. The Orthodox, for instance, do not recognize as Jewish someone who converts under Reform or Conservative auspices. Backed by Reform and Conservative leaderships in North America (where there are more Jews than in Israel), the constituting compromise of the State of Israel is now under severe challenge. In the vanguard of the challenge are the courts. Deborah Sontag of the *New York Times* puts it this way: "By their very existence, the courts are a threat to the strictly Orthodox when they rule on religious matters. The laws they interpret are secular and not religious, and the principles that they uphold are democratic and not theocratic."

That strikes one as dangerously simplistic. Like the rabbi quoted above, many secular liberals in Israel seem to be reading their circumstance through the prism of the American experience, with the assertive and growing Orthodox (usually called "ultra-Orthodox") cast in the role of what here is called the "religious right." Neither here nor in Israel should the choice be posed in terms of democracy vs. theocracy. That way lies religious warfare, with secularism being every bit as much an aggressive belligerent as the parties designated as religious. In America, those advocating anything like theocracy are a very small band of "reconstructionists" or "theonomists" on the far fringes of our political culture. In Israel, ironically, those accused of advocating theocracy are in some cases sectarian Orthodox who do not even recognize the legitimacy of the State of Israel, believing as they do that a Jewish state must await the Messianic Age and the restoration of the Temple.

Reconciling Contradictions

This is the Middle East, which means that nobody is an expert. Some people are just more informed in their confusion than others. But we have to hope that Ms. Sontag got it wrong when she writes: "Given the ferocity of the battle, many believe that it can only end in a showdown in which Israel will be forced to reconcile the contradictions of being the Jewish homeland and a secular democracy." If these are indeed contradictions, they can, by definition, not be reconciled. Perhaps it is better to view them as tensions that were finessed by compromise in Israel's founding, and require constant statecraft to keep the constituting settlement in repair. But that will not happen if "secular democracy" is pressed in terms that are perceived as antireligious, which can only further inflame the passion of the Orthodox to achieve control in a culture war that, in this case, would not be warfare by other means.

It does seem to come down to the question of who is a Jew. The crunch point here is not over which rabbinical group certifies conversions but, or so it seems to me, what is the religious factor, if any, in being a Jew. After all, the number of converts is relatively small. The striking oddity is that some anti-Orthodox champions of secularization have chosen as their cause the question of conversion, which is undeniably a matter of religious doctrine and ritual. Thus they would appear to be reinforcing, however inadvertently, the Orthodox in stressing a religious definition of who is Jew, which has everything to do with how a "Jewish homeland" understands itself and orders its common life. As for the more militant secularists who would eliminate the religion factor entirely, it would seem that, for them, being a Jew is entirely an ethnic or tribal matter. That way lies the "blood and soil" nationalism from which Jews have suffered so unspeakably, and an invitation of the infamous charge of the UN General Assembly, now rescinded, that Zionism is racism.

Thinking the Unthinkable

Columnist Charles Krauthammer, one of the most astute students of these matters, has written about the need to "think the unthinkable," namely, the possibility of the dissolution or destruction of the State of Israel. Christians, too, need to ponder the significance of that ominous prospect. Some evangelical Protestants hold to End Time scenarios in which Jews and Israel are cast in a role not of their own choosing. Such scenarios aside, all Christians who have pondered the logic of St. Paul's reflection in Romans 9 through 11 know that the world has a deep stake in the Jewish people, and even those who are indifferent to the theology of St. Paul must know the Jewish people has a deep stake in the State of Israel. Further complicating matters, Israel is radically dependent upon the U.S. for its security—short of the nuclear Masada option, which is no security at all.

Americans are strongly supportive of Israel and, God willing, will continue to be. But the reasons for that support need to be clearly and freshly articulated. One reason, without which the State of Israel would not have come into being, was the Holocaust. I say "was" advisedly, for that memory fades, and with it the sense of obligation to those who suffered. Moreover, Israel's treatment of its neighbors, especially of the Palestinians, and most especially of the Palestinian Christians, has confused for many people who is the victim and who the victimizer. Even the most fervent defender of Israeli policy recognizes that Israel has had the upper hand, and that hand has sometimes been brutal. The result is that, in the twenty-first century, few Jews and even fewer Christians will understand the Holocaust as a

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compelling reason to support the State of Israel.

Another reason, persuasively offered during the long years of the Cold War, is that Israel is the only democracy in the Middle East, and therefore an American ally in the contest with totalitarianism. The Cold War, thank God, is past, and with it that reason for U.S. support of Israel. Today some advance the reason that Israel is America's friend against enemies in the region such as Iraq, but most Americans understand that we would likely not have so many enemies in the region were it not for the State of Israel. What reason, then, is left for an incorrigibly and confusedly Christian America to support the State of Israel? I think the answer is this: Because Israel is inextricably entangled with the safety and well-being of the chosen people, the children of the God of Abraham, Isaac, Jacob, and Jesus. For the sake of the spiritual integrity of Judaism—in which Christians, too, have a profound interest—and for the safety of the State of Israel, we must hope that the militant Israeli secularists and their American Jewish abettors will not succeed in undermining the believability of that reason.

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A Gift for Canada

Those fortunate Canadians. I have several times expressed sympathy for people who have to put up with the ideologically driven inanity of the Toronto-based *Globe and Mail,* Canada's "national newspaper." Now publishing mogul Conrad Black has decided to do something about it. A new paper, *National Post,* was launched late last fall and within just a few months bids fair to overtake the circulation of the *Globe and Mail.* It is thick, handsomely designed, and with a thoroughly centrist editorial policy that does not hesitate to challenge the dominant leftist fashions of political culture north of the border. Consider, for instance, *National Post*'s lead editorial on December 24, and ponder why it is nearly impossible to imagine a comparable statement in any national or regional newspaper in the United States.

CHRISTMAS IN THE REAL WORLD

"In those days a decree went out from Caesar Augustus that all the world should be enrolled." St. Luke names the time yet more precisely. It was "when Quirinius was governor of Syria." The gospel account is attentive to the thereness, the thus and soness, of what happened. A real mother, a real baby, a real promise kept. He is called Immanuel, which means "God with us." "In Him was life," writes St. John, "and the life was the light of men." The darkness will rage against the light in a real cross and a real death. Nonetheless, John writes, "The light shines in the darkness, and the darkness has not overcome it."

Christmas is family and song and food and sentiment and gifts, but Christmas is not time-out from the real world. For the billions who have believed, who believe today, and who will believe until the end of time, Christmas *is* the real world. God becoming one of us so that we may become the children of God is the *axis mundi,* the center on which the world turns. It happened. Not in the timelessness of myth, nor in antiquity beyond recall, nor in the virtual reality of cyberspace, but in the real world in real time. In the only time there is. In our time.

To kneel before this Jewish baby and his Jewish mother is to face up to reality. Or so we are told, and so Christians believe. God said to Abraham, "I will multiply your descendants as the stars of heaven," and He is keeping his promise to this day. To every child, and to every adult mature enough to become a child again, comes the invitation to be a star, reflecting the light that came into the world on Christmas day. To love as, in Him, we are loved; to forgive as we are forgiven; to understand as we are understood; to bear with others as He bears with us. To live, as He said, in the truth that makes us free. And then to die, in the sure hope of Heaven's dawn.

In the real world. In real time. In a world of wars and famines and dreadful plagues, of loves disappointed and loves betrayed, of promises broken and innocent lives cut short, of affluent masses rich in things and poor in soul, of cruelty triumphant and kindness scorned, of dishonesty praised and honor debased. Into such a world and such a time, into our world and our time, came the light that shines in the darkness. And the darkness has not overcome it. The darkness will never, never ever, overcome it.

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John Paul II in and on America

As discussed in my recent book, *Appointment in Rome: The Church in America Awakening*

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(Crossroad), one of the big subjects at the Synod for America that was held in Rome at the end of 1997 was the relationship to non-Catholic Christians, especially in Latin America, where the interaction between Catholics and Protestants has been typically hostile, sometimes violently so. The synod is advisory to the Pope, and he officially states its conclusions, which he did this January in a lengthy post-synodal "apostolic exhortation" titled *Ecclesia in America*, delivered in Mexico City. The exhortation closely tracks what happened at the synod, also on the question of Catholic-Protestant relations, following the initiative "Evangelicals and Catholics Together" (ECT), which has been pioneered in this country.

A major complaint of Latin American Protestants (mainly Evangelical and Pentecostal) in the past is that they were dismissively referred to as "sects." *Ecclesia in America* makes the necessary distinctions that many of us urged at the synod in Rome. (Keep in mind that "America" in this context means North, Central, and South.) John Paul II says: "The evangelization which accompanied the European migrations has shaped America's religious profile, marked by moral values which, though they are not always consistently practiced and at times are cast into doubt, are in a sense the heritage of all Americans, even of those who do not explicitly recognize this fact. Clearly, America's Christian identity is not synonymous with Catholic identity. The presence of other Christian communities, to a greater or lesser degree in the different parts of America, means that the ecumenical commitment to seek unity among all those who believe in Christ is especially urgent."

The Pope repeats the resolve of the synod "that Catholic Christians, pastors, and faithful foster cooperation between Christians of the different confessions, in the name of the gospel, in response to the cry of the poor, by the promotion of justice, by common prayer for unity, and by sharing in the word of God and the experience of faith in the living Christ." Then comes the crucial distinction: "Although the Second Vatican Council refers to all those who are baptized and believe in Christ as 'brothers and sisters in the Lord,' it is necessary to distinguish clearly between Christian communities, with which ecumenical relations can be established, and sects, cults, and other pseudo-religious movements." Later, the document criticizes "the proselytizing activity of the sects," noting that proselytism "has a negative meaning when it indicates a way of winning followers which does not respect the freedom of those to whom a specific kind of religious propaganda is directed." It then goes on to emphasize again that these sects are to be distinguished from "the sisters and brothers [who are] in true though imperfect communion" with the Catholic Church, and that that communion "must enlighten the attitudes of the Church and her members towards them."

It should be noted that the "sects, cults, and other pseudo-religious movements," of which there are many indigenous instances in Latin America, are as much of a concern for more orthodox Protestants as they are for Catholics. In addition, one notes with satisfaction that the exhortation conspicuously omits any reference to Protestant missions as an "invasion" from the North, a claim asserted by some Latin American bishops at the synod. Most welcome also is John Paul's calling on the bishops to ask why people leave the Catholic Church, and pointing to the need for more effective evangelization and catechesis. If Catholics are joining other Christian and doubtfully Christian groups, he suggests, it is, at least in largest part, because the Catholic Church has not been doing its job as well as it should. In these and other respects, *Ecclesia in America* again confirms the effort of ECT, an effort that is now gaining ground also in Latin America, as evidenced in an unprecedented meeting this March of Catholic bishops and Evangelical and Pentecostal leaders from all over Latin America in Quito, Ecuador. (More on that in a later installment.)

I should add that I was among those at the synod who urged that the term "sects" should be dropped altogether from the Church's ecumenical vocabulary. When I first learned that it would be used in the apostolic exhortation, I was, quite frankly, worried. But in fact, it turns out to be used in a way that does remove it from *ecumenical* vocabulary, since ecumenism has to do with relations between those who are brothers and sisters in Christ. The use of the term "sects" is helpful in distinguishing authentically Christian communities from cults and pseudo-religions that are no part of our common Christian mission. The result is to strengthen a shared Christian identity between Catholics and Protestants, underscoring the hope that in the next century we will evangelize the Americas with, rather than against, one another. This is precisely the prospect proposed in *Appointment in Rome*, and its confirmation by the apostolic exhortation is cause for thanksgiving. The credit for this development goes to the Latin American bishops at the synod who recognized that existing Protestant-Catholic hostilities are wrong and dead-ended, to Edward Cardinal Cassidy and the Pontifical Council for Christian Unity who have vigorously advocated necessary change, and, of course, to John Paul II who has given such lucid expression to the deliberations of the Synod for America. Deo gratias.

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William Bentley Ball (1916-1999)

William Bentley Ball, that doughty champion of religious freedom and the underdog, is dead at age eighty-two. He was vacationing in Florida and was found unconscious in a swimming pool. He died a few days thereafter. A frequent contributor to these pages, Bill Ball argued numerous cases before the Supreme Court, including *Yoder*, which secured Amish parents the right to control the education of their children, and *Zobrest*, which vindicated the right of a handicapped child to government aid in a religious school. The latter is widely perceived as a breakthrough pointing toward vouchers and other instruments of parental choice in education. He was a devout Catholic, which, he said, is why evangelical Protestants, Mennonites, Mormons, and anyone else could count on his help in protecting their right to the free exercise of religion. Bill was a dear friend and a happy warrior. He loved righteousness and hated iniquity, and I envy the angels his good company. Requiescat in pace.

But more needs to be said. The following tribute is by Edward McGlynn Gaffney, Jr. of Valparaiso University School of Law:

I have always regarded it as a great grace, or gift from God, that I studied law at the time and place that I did. The place was Catholic University of America in the nation's capital. The time was the early 1970s. Because of our location, my professor of constitutional law, Albert Broderick, urged us to skip classes once in a while (not too often!) to hear oral argument at the Supreme Court of the United States.

Following the advice of my professor led to my first encounter with William Bentley Ball on December 8, 1971, the day on which he argued for Jonas Yoder and his family. I recall vividly Bill's crisp, clear voice as he cited the 1925 decision in *Pierce v. Society of Sisters*: "The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations." Chief Justice Warren Burger must have been moved by this citation, which he included in his opinion for the Court in *Wisconsin v. Yoder* (1972). Even when the Court was to announce a sea-change in free exercise standards in *Employment Division v. Smith* (1990), it did not abandon *Yoder*, which still stands as a valid precedent requiring states and local public school boards to accommodate the religious concerns of parents. Bill's skillful advocacy in *Yoder* has benefited not only the Old Order Amish, whom he represented, but also literally hundreds of thousands of parents, including home schoolers, who have derived great benefit from this opinion.

At a symposium at Notre Dame on the fiftieth anniversary of the *Pierce* case, Bill noted the anti-Catholic roots of the Oregon measure challenged in *Pierce*, and he reminded us of the strong interreligious coalition that made its first appearance at the Court in this case (the American Jewish Committee, the Episcopal Church, the Lutheran Church—Missouri Synod, several Presbyterian ministers, and a conference of Seventh-day Adventists). Bill was a living example of that sort of generous collaboration in the common cause of preserving religious liberty. Although Leo Pfeffer, counsel for the American Jewish Congress, argued the opposite side of many of the cases in which Bill espoused financial support for children attending religious schools, notably *Lemon v. Kurtzman* (1971), Bill developed a friendship with Pfeffer; and in the last period of his career Bill came to accept Pfeffer's warning about the danger of strings attached to public assistance. In Bill's paper on *Pierce*, he gave special credit to the American Jewish Committee for blasting the Oregon act in its amicus brief with this trenchant comment: "If the children of the country are to be educated in accordance with an undeviating rule of uniformity and by a single method, then eventually our nation would consist of mechanical Robots and standardized Babbitts."

These words epitomize the style that characterized Bill's courtroom style—unflinching advocacy that spoke the truth to power. He argued nine cases before the Supreme Court and assisted in more than two dozen others. His views on financial support for freedom of choice in education eventually prevailed in *Zobrest v. Catalina Foothills School District* (1993). For decades he provided sage counsel to those of us who have worked in the Christian Legal Society's Center for Law and Religious Freedom.

On June 25, 1989, a prominent group of legal authorities, including Chief Justice William Rehnquist, joined with civic leaders of both political parties, prominent businessmen and labor leaders, religious leaders and educators in signing the Williamsburg Charter. Bill was a member of the small drafting committee that crafted this remarkable document, which was styled "A celebration and reaffirmation of the Religious Liberty clauses, drafted by representatives of America's leading faiths on the occasion of the two hundredth anniversary of the call for the Bill of Rights." I don't know whether Bill penned the following two passages in the Charter, but they bear his stamp as a public citizen and champion of religious freedom: "Religious liberty finally depends on neither the favors of the state and its officials nor the vagaries of tyrants or majorities. Religious liberty in a democracy is a right that may not be

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submitted to vote and depends on the outcome of no election. A society is only as just and free as it is respectful of this right, especially toward the beliefs of its smallest minorities and least popular communities. . . . [T]he chief menace to religious liberty today is the expanding power of government control over personal behavior and the institutions of society, when the government acts not so much in deliberate hostility to, but in reckless disregard of, communal belief and personal conscience."

In 1994 Bill published some of his essays on education, religion, and the courts under the title *Mere Creatures of the State?: A View from the Courtroom*. Father Richard John Neuhaus put it well when he wrote in the preface to this volume: "Given the formidable force of the wrong opposed by this book, and given what may appear to be the improbability of achieving the right for which Bill contends, some may think his effort just a bit Quixotic. But that would be a serious mistake. He is not jousting against windmills but against patterns of thought and practice that have achieved an awesome dominance in American life and law. Moreover, his life's work has demonstrated again and again the power of the individual to effectively challenge that dominance. From the Supreme Court to school board hearings in humble villages, the voice of Bill Ball has championed the cause of 'little people' who have dared to question the authority of their supposed betters. His advocacy joins fortitude to compassion, learning to eloquence, and earnestness to humor. It is a mix of virtues too rarely encountered."

William Bentley Ball died at the age of eighty-two on Sunday, January 10, 1999. He will continue to have a powerful impact on the deepest desires of Americans for religious freedom. Though Bill was a very able advocate, he was first of all a faithful disciple of the Lord. In calling our brother Bill to a place where advocacy is unnecessary, the Lord Himself can be heard to say again: "Well done, good and faithful servant; you have been faithful in a few things, I will put you in charge of many things; enter into the joy of your master" (Matthew 25:31).

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WHILE WE'RE AT IT

■ So I guess it's final now. Dr. Frederick Cook of Brooklyn didn't scale Mount McKinley back in 1908 after all. They've found the original negative of that famous photograph purporting to show him atop McKinley holding the American flag, and it turns out it was cropped. The negative includes topography that proves he was in fact standing on what is called Fake Peak, a hill some fifteen miles away that looks like the peak of McKinley. Of course people have long suspected that Cook had cooked the books about his achievements, including his claim to have beaten Robert Peary to the North Pole, but now his credibility appears to be irreparably shattered. Not for everybody, however. Russell W. Gibbons is executive director of the Frederick A. Cook Society in upstate New York, and he says, "It doesn't really matter where the photograph was taken. Even if it wasn't taken on the summit, he could still have gotten there." That's touching. Bradford Washburn of the Boston Science Museum has climbed McKinley three times, and he says, "The tragedy is that Cook would have been remembered as a good explorer if he'd just truthfully reported what he accomplished near McKinley. But the Devil took him up onto a mount, and the doctor listened." That's both morally on target and a heartening indication that biblical literacy is not quite dead. Also heartening, and unusual, is that the editor at the *New York Times* did not think it necessary to explain the allusion to the temptation of Christ. It would be uncharitable to think he didn't get it.

■ The headline reads, "Finding a Common Foe, Fringe Groups Join Forces." Conspiracy theorizing on the left has long been a fascinating phenomenon, and the Southern Poverty Law Center has served as a hatchery of Oliver Stone fantasists. The story under the headline in the *Times* is by John Kifner, who has consulted a Frederick Clarkson of the Southern Poverty Law Center, and "reports" that "fringes of the anti-abortion movement are linking up with a new ally: the right-wing militia movement." Mr. Clarkson, we are told, is "author of a study" done for the center on the subject. If you think that is not authority enough, Mr. Kifner has also gone to the internet where he discovered that many militia types are also anti-abortion. The wacky world of websites provides an efflorescence of conspiratorial connections. There one can undoubtedly find internet chat rooms chock full of pro-abortionists, animal rights activists, and man-boy love proponents. But don't expect to find anything in the *Times* about fringe groups of the left joining forces. "An undercurrent running through much of the violence," writes Mr. Kifner, "is the mysterious Army of God." Very mysterious indeed. "Who or what is the Army of God?" Clarkson asked in his study. "That question has plagued investigators for years. Whether it is a concept—a handy moniker for whoever takes up the cause—or a permanent underground group is not clear." He admits, in other words, that there is no evidence that there is such a thing as the Army of God, mysterious

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or otherwise. In fact, under pressure from the pro-abortion Clinton Administration, the FBI has conducted exhaustive investigations and concluded that there is no conspiracy or network among violence-prone anti-abortion activists, never mind a collusion with the militia movement. Nothing daunted, the *Times* reports as news a phantasm of proportions that would make the John Birch Society blush. Well, that may be going too far. In their secret counsels the Birchers may have conspiracy theories to equal Mr. Kifner's, but they don't publish them in the *Times*. (For younger readers who come to these matters late and need a primer on fringe groups: the John Birch Society was an anti-Communist organization founded by a Boston candy maker in 1958 and last heard from during the Nixon presidency. I haven't checked whether they have a website. The *Times* is a newspaper published in New York City, and it definitely does have a website. Among fringe institutions, it is distinctive in having convinced itself that it has been given the authority to define the fringe, which is really cool, as in amusing.)

■ When Galina Starovoitova was murdered in St. Petersburg last November, the story received major coverage in the international press. She was celebrated as a leading Russian liberal, but nowhere did I see it mentioned that she was most particularly a champion of religious freedom. Shortly before she was killed, according to the Keston Institute, she was received into communion with the Orthodox Church, despite the fact that the leadership of the Russian Church is no friend of religious freedom. The circumstances surrounding her death are as murky as the collusion between some Orthodox prelates and old Communists who together seek a return to the "stability" of the old regime. The witness of Galina Starovoitova reminds us that, in Russia and elsewhere, the time of the martyrs is not over.

■ The Sisters of Perpetual Indulgence have become part of the scenery in San Francisco. The group of drag queens whose one running joke is to mock the Catholic Church recently held a benefit for the American Cancer Society (ACS). Not surprisingly, William Donohue of the Catholic League complained. Patricia Fells responded on behalf of ACS: "We do not judge our donors based upon their religious beliefs or sexual preferences. We draw our donors and volunteers from all religions, races, and socioeconomic groups." And from antireligious hate groups, one may add. The benefit produced a paltry $1,300. Bigotry aside, one wonders if the American Cancer Society did a cost-benefit analysis of the potential loss of support from people who are less indulgent toward the malevolence promoted by the Sisters of Perpetual Indulgence.

■ The bishops of England and Wales have reiterated the traditional Catholic teaching that receiving the consecrated elements at Mass means that "we are in full communion with the Catholic Church, united with the bishops of this local community and with the pope." Therefore, except in extraordinary circumstances and with the approval of the bishop, those who are not in full communion should not receive. A rabbler whose column still appears in several Catholic papers (he is also former chairman of theology at Notre Dame) complains about this "step backward," noting, with approval, that Catholics and non-Catholics ignore such rules "all the time." The bishops say that those at Mass who should not receive have the opportunity to make a "spiritual communion." A spiritual communion, snorts our columnist, "is about as satisfying and nourishing as a 'spiritual dinner' would be." If eucharistic participation is a matter of getting a satisfying and nourishing dinner, a small piece of bread and (when offered) a sip of wine would seem to fall somewhat short as well. With respect to a theology of the Eucharist, even Zwingli appears to be several steps ahead of our Catholic columnist.

■ The Institute sponsored a while back a festive celebration of the eightieth birthday of Father Avery Dulles, S.J., no stranger to the readers of this journal. Part of the occasion at Our Saviour Church in Manhattan was an incisively brilliant lecture by Francis Cardinal George, Archbishop of Chicago, on the place of national episcopal conferences in the teaching authority of the Church. Those who are critical of the conferences, the Cardinal suggested, sometimes make the mistake of saying they have no real part in the Church's Magisterium, whereas the remedy for whatever is rightly criticized is to elevate the importance of the conferences, pointing out their responsibility within and to the college of bishops in union with the pope. That is an important insight to which we will be returning. The celebration was on September 8, the Nativity of Mary, which happens also to be the day that I was received into full communion and, precisely a year later, ordained a priest of the Catholic Church. Fr. Dulles was my sponsor on the first occasion and my vesting priest on the second. So John Cardinal O'Connor, who was also at the birthday bash, had some gracious and implausibly extravagant things to say about the inestimable contributions of Fr. Avery and myself (implausible in my case, I mean). Fr. Avery preached at the Mass on "Our Lady of Faith," noting that the subject of faith has preoccupied him since his student days at Harvard (and is the subject of his recent book, *The Assurance of Things Hoped For*). "Through all these years, faith has remained for me what it was in the beginning, the pearl of great price, for which I would be willing to pay all that I have and much

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more, if I had more to give." He concluded by recalling the fifteenth-century French poet Francois Villon's ballad on his mother's faith. Fr. Dulles said, "After recalling the wonderful intercession of Mary on behalf of several notorious sinners, she invokes the mercy of Jesus who left Heaven to help us and gave up his youthful body to be our ransom. Each stanza ends with the unforgettable refrain, 'In this faith I wish to live and die': '*En cette foi je veuil vivre et mourir.*' I cannot find any words that better sum up my own hopes and prayers at this stage of my career. In the faith of the Church, of the apostles, and of the blessed Queen of Heaven and Earth—In this faith I wish to live and die."

■ There has been considerable interest in the new Pope John Paul II Cultural Center, soon to be erected near the Catholic University of America and the National Shrine of the Immaculate Conception in Washington, D.C. The chief mover in this project has been Adam Cardinal Maida of Detroit, who conceived the idea a decade ago. The center, which is expected to cost around $60 million, will be designed by the high-tech, hyperintercommunicative masters at Edwin Schlossberg Incorporated in Manhattan, and plans for the structure have recently been unveiled to mixed reviews. Catesby Leigh, an architectural critic writing in *Sacred Architecture*, is less than enthusiastic. He describes the design as little more than a poor imitation of the academic modernism of Le Corbusier, finding some elements "baffling," others downright "ugly." Beyond description are the various interactive displays—the Gallery of Wonder, for example, or the "exit experience" awaiting visitors on the main floor (a computer voice says "peace be with you" and projects a light beam through which the visitor walks). Says Leigh: "Though some might regard it as the wave of the future so far as our museums are concerned, one might wonder whether all this electronic gadgetry amounts to a sort of instinctive by-product of, or compensation for, the reductive architectural character of the building. For here, too, the medium is the message. That is, modernist architecture's esthetic poverty lies precisely in the dogma that the medium—the mechanical facts of construction—is the architect's message. A dogma, by the way, which Michelangelo would rightly have regarded as hopelessly perverse. Next time the architects (or their clients) opt for an academic design, perhaps they should cast their net a little further afield than the last seventy years of architectural history, which, truth be told, have been distinctly inglorious." The opposite can be said of *Sacred Architecture*, a very fine medium for an important message. You can get a copy of its inaugural issue by writing the Institute for Sacred Architecture, P.O. Box 556, Notre Dame, IN 46556.

■ It was a four-day conference in Atlanta, and the AIDS National Interfaith Network brought together two hundred representatives of gay advocacy, religious, and public policy groups at the Carter Center. A reporter interested in why conservative Christians were not represented was told by Network director the Rev. Kenneth South that they would like to have them participate. "Evangelicals are doing great ministry, as long as they don't try to change people," said South. That's been the problem with Christianity right from the start, ministries that try to change people.

■ The general rule is not to multiply explanations. When stupidity is sufficient, seek no further. And it often is sufficient to explain the more egregious offenses of the *New York Times*. Under the heading "An Indulgent Pope," there is this in the Sunday news of the week in review: "For the year 2000, Pope John Paul II has introduced a fast track to heaven. Throughout the yearlong millennium celebration, Roman Catholics who quit smoking or drinking for a day can earn indulgences to avoid punishment in the hereafter." In this instance, an additional and likely explanation is maliciousness, since just three days earlier a front-page story in the *Times* made clear that indulgences are not what the Sunday edition claims they are. The Pope "introduced" nothing. He simply reiterated a teaching and practice that is grounded in the New Testament understanding that the members of the Body of Christ are so conjoined that the virtues of each can benefit the others, and goes back to the early Church's penitential practice by which those who had fallen away, especially during times of persecution, could be reconciled with the community. As the practice of indulgences later developed, it became subject to grave abuses in which it was sometimes popularly thought that the forgiveness of sins could be purchased, and such abuses triggered the protest of Martin Luther. The abuses had also been protested by popes and other theologians for centuries before that, but to slight effect. Finally, the sixteenth-century Council of Trent put an end to the corrupting pecuniary factor in obtaining indulgences. The history of the theology and practice of indulgences is utterly fascinating. It is a subject thoroughly misunderstood by almost all non-Catholics and, one expects, by many Catholics. In view of the renewed attention to the subject, it might make for a useful article. We'll have to give that some thought. In any event, in his recent statement about the Jubilee Year of 2000 (called a bull, from the Latin *bulla*, meaning "seal") the Pope did offer a long list of spiritual disciplines and acts of devotion that might be practiced, including giving up cigarettes and alcohol. Given the anti-smoking fanaticism of the *Times*, one might have thought the editors would be pleased. At any rate, and as the doctrine of indulgences makes clear,

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the only track to heaven (which is not a fast track) is through patient endurance and faith-filled reliance upon the merits of Christ and the saints—the latter also and always being the merits of Christ. It is perhaps too much to expect journalists to be religiously literate, but it would be a good thing (maybe worth an indulgence) were they to abstain from vulgar displays of their ignorance. I expect the Pope would be amenable to adding that to the list of recommended disciplines for the Jubilee.

■ In the conclusion of his provocative article, "United Methodists at the End of the Mainline" (FT, June/July 1998), William J. Abraham suggested that the idea of theological pluralism (on which most of mainline religion is based) may not be sustainable. Lyle Schaller, writing in *Circuit Rider* magazine, argues that it may be possible to turn Abraham's problem into a virtue. Schaller suggests that United Methodists cannot be held together in their present polity, and as an alternative proposes both an expansion of the "institutional tent" and a decentralization of control, with authority dispersed among annual regional conferences. "Should United Methodists continue to quarrel under the roof of a relatively small tent with a shrinking number of people in that tent," Schaller asks, "or split up and move into two or three or four smaller tents, or design and build a larger tent?" In situations like this, one is reminded of Lyndon Johnson's pithy observation about the merits of having difficult people relieve themselves from inside out rather than from outside in.

■ Gloria Steinem recently remarked how awfully chauvinist it was for New Yorkers, of all people, to be celebrating the millennium as the anniversary of the birth of Jesus. What about all the Jews, Muslims, and Buddhists in our midst? Who are we to impose our belief-system on the rest of the world—on its very calendar, no less? The subject was the occasion for some similarly deep thinking by the *New York Times* in its lead editorial for January 1, 1999. (Some have acccused me of being obsessed with the *Times*. It's just that it comes with breakfast. You should see all the items I don't comment on.) Anyway, here is this hefty chunk of commentary, published on this auspicious date, announced with the portentous title "Why the Millennium Counts," all clearly intended to represent the intellectual heavy lifting of the editorial board of the *Times*. I won't keep you in suspense: their conclusion is that the millennium counts because it has allowed us all to learn to set our clocks in the same way. The editors allow en passant that perhaps the importance of the millennium has something to do with Jesus Christ, but it would be "chauvinist" to say that it has much to do with it. (Besides, as everybody knows, the dating of Jesus' birth is all wrong, thanks to a pitifully earnest little monk named Dennis.) In addition to inadvertantly reminding us yet again how boring it is to be a skeptic, the editors tell a most peculiar story of the history of the West. Up until apparently very recently, human beings were "groping in the dark." "A scholar could yearn to read a certain book without ever learning that it was available in a nearby monastery. A peasant could pass life without meeting a stranger. People had little sense of belonging to a nation, a culture, or any secular group larger than the men and women they could see around them." Has the *Times* never heard of Augustine? Anselm? Thomas Aquinas? My goodness, the discovery of the New World? People who set out to write portentous editorials with titles such as "Why the Millennium Counts" might be well-advised to revisit their history books. Otherwise they end up suggesting that there's nothing worthier of celebration than the marking of time.

■ Among those who have strong convictions about the truth there is a perennial debate as to whether toleration is a virtue, never mind a Christian virtue. My own position is that while the axiom "error has no rights" may be true, errors are attached to people, and people do have rights. The question why we should tolerate those we find disagreeable is taken up again in a small and engaging book by Michael Walzer titled *On Toleration*. By way of definition, Walzer offers the following neat aphorism: "Toleration makes difference possible; difference makes toleration necessary." Adam Wolfson, writing in the *Public Interest*, thinks Walzer gets it about half right. With the second half of the aphorism he has no quarrel: "The fact of difference, even in its attenuated form, makes toleration necessary, as it always has." But whether it is toleration that makes difference possible is a more complicated question. Much as academics and other such are loath to admit it, Wolfson wryly notes, it is likely the case that differences existed before toleration. They may even have been louder and livelier before that ideal arrived than they are today. In days past, toleration was "a way by which differences were accommodated and, equally important, mitigated. It probably could not have been otherwise. For what made toleration acceptable was the discovery that deep down, under all the layers of history and culture, all humans are created equal." Not so in our age. Whereas modern toleration gave space to the pagan because it recognized that "deep down" he was in some sense one of "us," postmodern toleration gives him space primarily because he is *not* one of "us." "It is almost as though the pagan, having been domesticated by the various forces that brought on the End of History, is desired back in all his original otherness." Wolfson agrees with Vaclav Havel that we should seriously reconsider the reasonableness—

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not to mention the consequences—of this desire for "accentuated otherness." For starters, he suggests a rewrite of Walzer's formulation: "Rather than saying that 'toleration makes difference possible,' I would begin with the idea that our *common humanity* makes toleration possible." This, it seems to me, gets closer to the toleration that is a virtue, even a Christian virtue.

■ The gates of Hell, we know, will not prevail against the Church, but Jesus didn't say anything about American higher education. A week after its release, the Columbia University daily newspaper asked students about the encyclical *Fides et Ratio* and, more generally, about their understanding of this Pope. Herewith some excerpts. "Q. Do you have any opinions on the Pope? A. I really don't follow institutionalized religion—I'm just not a believer in it. I have my own personal view of Catholicism—that it's incredibly hypocritical and the Pope is the prime example of that." "Q. Do you know anything about last week's encyclical, *Faith and Reason*? A. Um, no, I don't. Q. Do you know how many years this Pope has been serving? A. No, not too long, right? Q. How about his name, where he lives? A. John Paul, right? In the Vatican. Q. Do you know any Pope jokes? A. Not really. I know one that he's in, but it's really a Monica Lewinsky joke." "Q. Do you know anything about last week's encyclical, *Faith and Reason*? A. No, will you tell me? I have a big problem with organized religion, much less having one key authority figure that interprets the Bible, which has so many different interpretations—it's just crazy. I heard for a while that he denied that he used the bathroom. Q. What? A. Yes, I have a problem with someone who denies they use the bathroom. The Bible is an archaic document full of contradictions. There are some key principles, being nice to other people, but it's filled with contradictions. I mean, myself being a gay man, apparently I'm doomed to Hell. I'm a walking abomination. I don't like Christianity." The reference to the bathroom puts me in mind of what I'm told is a true story, and it is a bit of a joke, although not a pope joke. It was told me by a nun who was a friend of a Sister Teresa who taught fourth grade. Sister had an impossibly elevated view of the priesthood and of priests. One day a student screwed up her nerve and asked Sister whether priests go to the bathroom. A long and embarrassed silence, followed by Sister's answer, "Yes, but not very often." That's funny at the fourth grade level. I don't know what they might make of it at Columbia.

■ The common opinion is that adoption, all in all, has served society, women, and children very well. It's a better choice than abortion or single parenting for unmarried women; it stems the tide of poverty and misery that can flow from illegitimate births; it gets children into more stable family structures than they might find with biological or foster parents; it allows childless couples to create families. Unfortunately, adoption is under attack nowadays by generally well-meaning but often badly misinformed activists. Their standard criticisms of adoption go something like this: adoption promotes a view of women and children as property, punishes those who become pregnant outside of marriage, distributes children as commodities to the wealthy, and causes psychological damage in women and children alike. In this vein, the Adoption Rights Movement (ARM) contends that adoption is ultimately destructive to everyone involved. ARM thus wants all adoption records to be kept open so that healing reunions can be actively facilitated, even without the consent of the birth mother. Despite the good intentions of "reunion" advocates, however, it now appears that their arguments are unreliable, and for some very simple reasons. Often those who become active in ARM are part of a small minority of persons hurt by the adoption system; their experience is simply not representative of adoptive children and their families as a whole. Furthermore, ARM's position is based on research that has recently been challenged by E. Wayne Carp in *Family Matters: Secrecy and Disclosure in the History of Adoption* (Harvard University Press). Employing faulty methodological practices and overlooking contradictory facts, the social scientists behind this research (Annette Baran, Reuben Pannor, and Arthur Sorosky) have done little more than elaborate a preconceived and misguided agenda, according to Carp. He writes: "Their arguments in support of open adoption represented the triumph of a long series of pseudoscientific psychoanalytic studies, usually confined to academic journals, that stigmatized adoption and portrayed triad members [birth mother, adopted child, and adoptive parent] as pathological victims." Though Carp is no friend of traditional adoption procedures himself, his book blows the whistle on the false claims of ARM. A more measured and honest approach to adoption can be found in the efforts of the National Council for Adoption (NCFA), which is currently fighting bills that would force records to remain open, contrary to the wishes of the vast majority of birth mothers. For more information, write to NCFA, 1930 Seventeenth St. NW, Washington, D.C. 20009-6207.

■ The reasons may have more to do with organizational rivalries than with high moral principle, but it is nonetheless gratifying to see the growing Jewish opposition to the Holocaust mercenaries. The latest evidence is an article by Theo Klein, a leader of the Jewish community in France. "The true issue is the dignity of the Jewish people," he writes. "How is it served by campaigns to seek compensation in the manner of enterprising

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law firms that initiate class-action suits as soon as a plane crash has occurred?" Behind his criticism is a resentment, not even thinly veiled, of American Jews who, in grasping for the international gold, presume to be acting on behalf of all Jews. Klein speaks of "Jewish organizations based in the United States that often know nothing about the [crimes] for which restitution is requested." Klein declares that he rejects their "blind and arrogant approach." It is not insignificant that Klein's statement appears on the op-ed page of the *New York Times*, signalling a broader challenge to the campaign led by the World Jewish Congress. In that connection, one recalls Voltaire's observation that the Holy Roman Empire was neither holy, nor Roman, nor an empire. The World Jewish Congress is neither a world organization nor a congress. It is a private project bankrolled by billionaire Edgar Bronfman and led by the very aggressive Rabbi Israel Singer. Whatever the institutional politics involved, the challenges to the WJC campaign raised by such as Abraham Foxman of ADL and Theo Klein are welcome. The latter is right to say that at issue is the dignity of the Jewish people, and of the victims of the Holocaust. Their memory is desecrated when it is exploited in money-grabbing schemes that are hard to distinguish from extortion.

■ So long as it's in a good cause. We noted that the autobiography of Nobel laureate and Guatemalan political activist Rigoberta Menchu has been exposed as fraudulent. Yale's Greg Gandin and journalist Francisco Goldman, writing in the *Nation*, suggest that not too much should be made of that inconvenient fact. "Menchu relied upon a classic Dickensian technique of pulling together different individual experiences into one character's heart-rending story. Such distortions were probably necessary to break through the wall of media indifference." Perhaps it makes a difference that Dickens made no secret of the fact that he was writing fiction.

■ Poor Georgetown. It does seem to get more than its share of battles over what it means to be a Catholic university. Recently another fracas erupted within its halls, this time over mandatory orientation classes in which student "peer educators" demonstrated the application of condoms. Citing their institution's "responsibility for public health education," university officials argued that it was their duty to provide sexually active students with "information about the choices that they make." It is perhaps not peculiar to administrators of Catholic universities to assume that kids wouldn't know what condoms are for without instruction by professional educators. At the same time, Georgetown comes under blistering criticism from the American Life League, which calls for the firing of the university's president, Father Leo O'Donovan. It seems he gave an enthusiastic welcome to Mrs. Bill Clinton, whose stance on abortion is, let us say, not exactly one a Catholic university ought to encourage. That she was there to speak on the UN Declaration of Human Rights does not help matters. We don't know if the welcome warrants the dismissal of Fr. O'Donovan, but it would seem an explanation is in order, if he can fit it into the long list of other things to be explained at Georgetown University.

■ The Claremont Institute has issued a feisty and informed fifteen-page pamphlet, "We Pledge Allegiance: American Christians and Patriotic Citizenship," written by Larry P. Arnn and Douglas A. Jeffrey. Just the thing to launch a lively discussion at your church or civic association, or maybe around the kitchen table. For a free copy, write the Institute at 250 West First Street, Suite 330, Claremont, CA 91711.

■ Herewith the statement of George D. Lundberg, M.D., editor of the *Journal of the American Medical Association*, on abortion: "Americans are constitutionally guaranteed religious freedom. This editor considers abortion to be a religious issue—a decision to be reached by the pregnant woman, after consultation with the father (if possible), members of her family, perhaps a religious adviser, and the woman's physician. I believe that one woman's abortion is not the business of police, lawyers, courts, the U.S. Dept. of Health and Human Services, the Congress of the United States, various state legislatures, or anybody else except the individuals named above. This editor has not performed an abortion and believes that he could not. Abortion is killing—regardless of length or state of gestation. However, as a practical matter, this editor recognizes that abortion is considered necessary by many people on a situational basis and that many abortions will be done, often unrelated to what beliefs may have been held previously by the participants and regardless of any laws." Perhaps, like many Americans, Dr. Lundberg would allow that abortion is the same thing as murder, but go on to observe not that it is necessary at times but that it is "considered necessary" at times and therefore murder should be allowed. As a "practical matter," of course. (Dr. Lundberg has since been fired as editor. Not, alas, for his views on abortion.)

■ It is a singular, albeit dubious, honor to be the recipient of the "Silver Sewer Award." As part of their campaign to clean up the "cultural pollution" of the American media's atmosphere, William J. Bennett and Sen. Joseph Lieberman (D-CT) bestow the SSA on "individuals and/or corporations that, in our considered judgment, are doing the most to harm and degrade American popular culture." The first award-winner last year was the Seagram Corporation for its support of *The Jerry Springer*

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Show and the "musician" Marilyn Manson. This year the much-undesired award was fetched by a rather significant cultural influence-cum-polluter, the CBS network. Its offense is not only televising the supremely vulgar *Howard Stern Radio Show*—which would be enough in itself—but also, in an executive decision utterly lacking in taste, decency, and integrity, airing the death of a patient, so to speak, of Dr. Kevorkian. Said Bennett, "There was no journalistic merit to *60 Minutes* airing those eighty-three seconds of fatal injections, and Mr. Wallace, Mr. Hewitt, and their colleagues should put an end to the charade that there was. Those eighty-three seconds were intended to ensure a ratings winner, and they accomplished their goal. . . . It turns out there is a sizable market for the culture of death."

■ The Washington-based Capital Research Center, which describes itself as "The Philanthropic Watchdog," has for years been on the case of the Catholic Campaign for Human Development (the "Catholic" was recently added). The Center notes with satisfaction that CCHD has recently revoked a $31,000 grant to an organization it had supported for two decades, the Center for Third World Organizing (CTWO) in Oakland, California. The organization supports, among other things, "reproductive rights" and "safe sex" seminars. Capital Research complains, however, that the new name and guidelines adopted by CCHD don't begin to get at the larger problem of using Catholic dollars to support distinctly un-Catholic projects. For reasons that surpass my understanding, CCHD is unresponsive to our requests for clarifications, although it did recently send to the bishops what appears to be a misleading letter in response to the charges of Capital Research. Interested readers can, perhaps, get one side of the story from Bishop Ricardo Ramirez, chairman of CCHD (Catholic Campaign for Human Development, National Conference of Catholic Bishops/United States Catholic Conference, 3211 Fourth Street, NE, Washington, D.C. 20017-1194) and can, certainly, get the other side from Patrick Reilly at Capital Research Center (1513 16th Street NW, Washington, D.C. 20035-1401).

■ "We are the sheep, where are the shepherds?" That's the theme of a special issue of *National Right to Life News* which offers a survey of what is happening on the pro-life front in a broad array of American churches. Especially helpful are the first-person stories of clergy who have addressed the abortion question in congregations and denominations unsympathetic to the pro-life position. For copies, write *National Right to Life News*, 419 Seventh Street, NW, Suite 500, Washington, D.C. 20004.

■ At about the same time the Lambeth Conference of the Anglican communion was overwhelmingly turning back the homosexual agenda (although with many American bishops saying they would go on with Zeitgeist business as usual), the United Methodist Council of Bishops reaffirmed their church's commitment to biblical standards and the Methodist *Book of Discipline*. In January, however, the national media highlighted a blessing of same-sex "holy unions" in which ninety Methodist clergy in California participated (and seventy more in absentia), apparently with the blessing of their bishop. Good News, a renewal movement within the United Methodist Church, issued a statement: "We grieve at the impact these continuing events are having on the life and well-being of our local churches. The actions of the California/Nevada Annual Conference are undermining the ministry of thousands of our United Methodist pastors who are living with the fallout of this divisive controversy. A growing number of pastors are claiming angrily that their witness in their communities is being damaged and diminished because they bear the name United Methodist. This is a tragic development and one that the Council of Bishops cannot ignore." It would seem that William J. Abraham's analysis of the impossibility of maintaining moral and theological pluralism (see "Methodism at the End of the Mainline," FT, June/July 1998) is coming to a head sooner than even he anticipated.

■ Once again the Pro-Life Alliance of Gays and Lesbians (PLAGAL) was prevented from participating in the big pro-life march in Washington on the anniversary of *Roe v. Wade*. "Many members of PLAGAL were strong pro-life leaders before they identified themselves as gays and lesbians," said Moses Remedios, newly elected president of PLAGAL, who spoke from the March for Life stage four years ago when he was president of American Collegians for Life. Some organizers of the march claim that PLAGAL is there to "push a gay agenda." The organization undoubtedly does push that agenda, but they are at the march, in the words of PLAGAL founder Tom Sena, "to show that, contrary to stereotypes, we care about the unborn as much as any other pro-lifers." Which leads me, once again, to urge that PLAGAL be permitted to march, and that precisely in order to challenge stereotypes of the pro-life movement.

■ Several alert readers have written to say that their editions of the New American Bible got the Luke 18:9 translation of righteousness/self-righteousness right. My comment (in February) was based on the NAB text used in the 1998 missal guide published by Liturgical Press, Collegeville, Minnesota. Apparently there are several NAB versions out there, but this one is presented as what currently passes for the NAB.

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■ Jerry Falwell has stepped in it again. Speaking at a conference in Tennessee he said the second coming of Christ will happen very soon and therefore, according to his interpretation, the Antichrist must be alive today. The Antichrist will try to pass himself off as Jesus, and therefore he must be, among other similarities with Jesus, a Jew. It was a one-day media sensation, but Roman Catholic Bishop Walter Sullivan of the Richmond, Virginia, diocese was not willing to leave it at that. In a letter to his priests, Sullivan calls Falwell's statements "outrageous" and "reprehensible." In a letter to the *Richmond Times Dispatch,* he said that "by defining as he does the Antichrist to be a Jewish 'counterfeit' of Christ, Falwell recklessly targets the Jewish people as the fountainhead of evil itself." Oh tosh, Your Excellency. Criticize Falwell if you wish for his biblical exegesis, which is outrageous, but do you suppose that someone aiming to pass himself off as Jesus would show up as a female Pakistani? (The Rev. Falwell has issued the usual non-apology to anyone who might have been offended.)

■ In the 1960s, Saul Alinsky was a figure hard to ignore. At least if you were, as it used to be said, a man of the left. Based in Chicago, Alinsky was an agnostic (he sometimes said atheist) Jew who made his mark by, as he frankly put it, capturing the churches for his vision of social justice. Writing in *Theological Studies,* a Jesuit journal, Lawrence J. Engel of Edgewood College in Madison, Wisconsin, celebrates what others have denied as an unfair accusation. "The Influence of Saul Alinsky on the Campaign for Human Development" gives a detailed account of the way in which the Catholic bishops embraced Saul Alinsky and his ideology when they established the Campaign for Human Development (CHD) in 1969. Engel calls CHD "the most significant and longest-running experiment of twentieth century U.S. Catholic social action." Since its founding, CHD has funneled more than $300 million Catholic dollars into sundry "community organizing" efforts—many of them, according to critics, in conflict with Catholic moral teaching. Thirty years later, the bishops conference is developing new guidelines aimed at insuring that CHD funding is more tightly controlled. Mr. Engel's article will be of undoubted interest to those working on the guidelines. At the end of the longish article on the history of institutional politics, the author appends the observation, "Without a doubt, CHD is a unique resource within the North American theological enterprise." Ah, so that's why it appears in a journal called *Theological Studies.* The journal, I notice, also has a new cover design and new logo. In the new design, the "Theological" in *Theological Studies* is now on the side.

■ The new edition of Wilson Follett's *Modern American Usage,* revised by Erik Wensberg and published by Hill and Wang, says "good usage is what people who think and care about words believe it to be." Exactly. I am of the prescriptive rather than descriptive school, the chief prescription being that you think and care about how something is written, and then test it by whether it sounds right. There are right and wrong ways of saying things. The descriptivists speak of "standard" and "nonstandard" English, the latter being a weasel word for substandard. John Simon reviews the new Follett's and thinks it very good. Rules of good usage, he writes, are like good manners. "One can muddle through without them, but they make the world infinitely more civil, efficient and livable in."

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Surely "immeasurably" would be the better word. But it is with "livable in" that Mr. Simon indulges his sense of mischief. Better, and less pedantic, to say "more civil, efficient and livable." (I will not even mention the missing comma before "and.") Livable —as in tolerable, bearable, enjoyable. Livable in? Really. Put it to the sound test.

■ An international affairs expert at the Naval War College in Rhode Island sends me an article from the French magazine *Le Point*, which concludes its discussion of the Clinton mess with this: "Selon l'expression du révérend John Neuhaus, rédacteur en chef de First Things, le magazine de l'aile droite du Parti républicain, le départ forcé de Clinton serait un 'salutaire lavement culturel, politique et moral.'" They got the allegiance of FT all wrong, but I admit that "emetic" does sound better in French.

■ It all depends on where you live. If you live in the heartland of Christian America, it is easy to be convinced that secular humanists are running the world. If you are a secular humanist in New York, the reverse is true. With some puzzlement at the success of the journal *Faith and Philosophy*, published by the Society of Christian Philosophers, the Society of Humanist Philosophers has started up a journal of its own. Their effort, entitled *Philo* (after David Hume's skeptic), is meant to provide "a single source for the best articles . . . by nontheist philosophers on topics relating to the philosophy of religion and religious apologetics." Such defensive imitation by one's humanist friends will no doubt be gratifying to the Society of Christian Philosophers. As for ourselves, we are not displeased that the first article in volume one, number one, of *Philo* is entitled "First Things First."

■ And now it seems to be gearing up in India. In the more than thirty years since 1964, there were fifty-three violent attacks by Hindus against Christians and Christian churches. In 1998 alone. there were ninety such attacks. Bloodlettings between Hindus and Muslims and Sikhs in India have been a tragic commonplace, but now Hindu nationalists are waging a campaign against "foreign influences," including Christians, despite the fact that Christianity came to India in the first century A.D. Last year Catholic nuns were assaulted, priests killed, and churches burned to the ground. Tunku Varadarajan, a Hindu writer living in New York, observes: "But the current battle is not over the historical record. It is a battle for India's soul. The secular state is not about to crumble overnight. What is imperiled, however, is India's tolerant,

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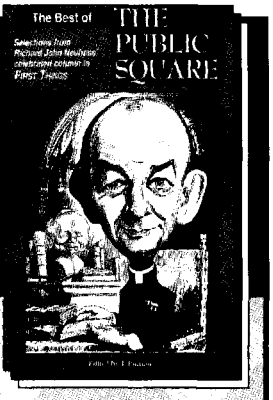

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secular civilization." Studies suggest that India is the most religion-sated society in the world. It is a little odd to speak of a battle for "India's soul" in strictly secular terms. With respect to India, Turkey, the Arab-Israeli conflict, and other battles, well-intentioned Westerners and Westernized natives speak of overcoming religion-based hostilities by rational appeals to modern secularity. But modern secularity is a spent force. In a world that is being radically desecularized, the only tolerance that endures is a tolerance that is legitimated by the very religious convictions that can also produce conflict. This is true, mutatis mutandis, also in the United States. The great mistake of Western intellectuals, followed by their epigones in the rest of the world, has been to pit tolerance against religion. Again and again, it has produced secular intolerance that, with utter predictability, generates increased religious resentment and, in too many instances, violence. Whether it is India's soul or Turkey's soul or Arabia's soul or America's soul, the only tolerance that will work is a tolerance that speaks to the soul.

■ So the book is out now, and I pay close attention to the responses. I've never understood writers who say, as though it were a point of pride, that they don't read their reviews. Maybe it makes sense with a novel. Just maybe. There you have created another world that is really known only to you, and perhaps, in part, to an intimate or two. Others are outsiders to that world, and what they have to say about it is of limited value, and may even violate the integrity of what you alone know. But for the kind of writing most of us do—making arguments, proposing directions, trying to persuade—of course you pay attention to what readers and reviewers say. Such books are best understood as part of a continuing conversation, and in a conversation it is both dumb and rude not to listen to what others have to say. Especially when they have done you the courtesy of spending hours in listening to what you have to say.

I'm glad to report that the responses so far to *Appointment in Rome: The Church in America Awakening* (Crossroad) are very gratifying indeed. One complaint is that it does not provide the actual texts and other details of the 1997 Synod for America (meaning North, Central, and South America). But the book is not intended as an official report on the Synod. I simply took the occasion of the Synod—to which the Pope had appointed me a member—to provide an overview of Catholicism in the Americas, its problems, possibilities, and opportunities for working with others, especially with evangelical Protestants. I am told the book has ruffled the feathers of a few bishops, which does not surprise me. I tried to be candid, while staying on the near side of disrespectful. Particularly satisfying are the number of people who have said that *Appointment* is not only informative but fun to read, keeping them up half the night. That's the kind of thing that warms the cockles of the authorial heart. But mainly it's a matter of continuing the conversation about things that really matter, and I am grateful to all of those who have joined in.

■ In his State of the Union address President Clinton solemnly committed himself to "keeping alive what George Washington called 'the sacred fire of liberty.'" Just as well that he stuck to those five words from Washington's first inaugural address. Washington continued, "The foundation of our national policy will be laid in the pure and immutable principles of private morality." Quoting the full text might have taken the President, as they say in Washington, seriously off-message.

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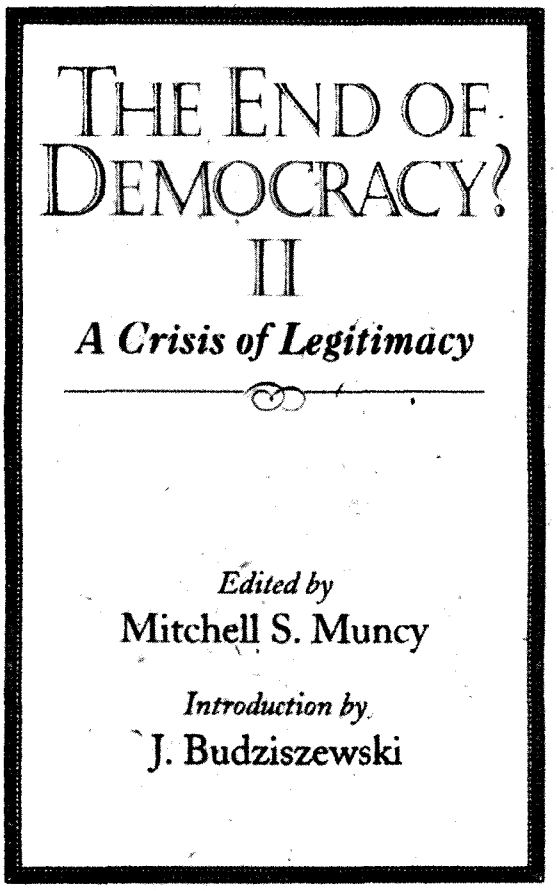

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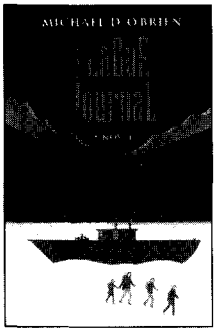

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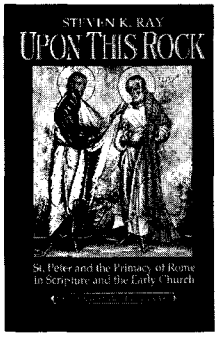

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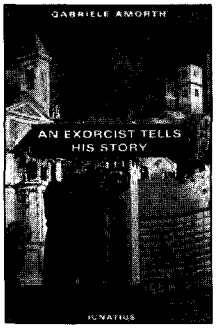

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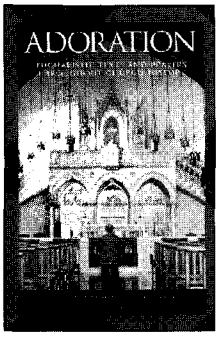

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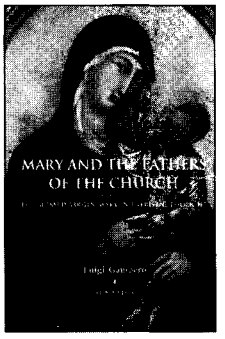

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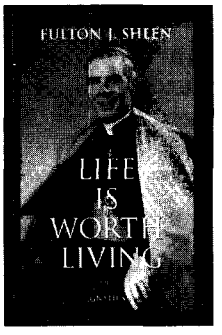

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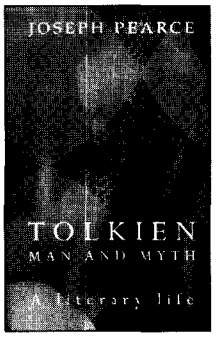

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